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ABSTRACT

This manual is a guide to the development of Individualized Education Programs (IEP) for students with disabilities in Iowa. The first section identifies guiding principles behind the IEP as well as indicators that these principles are being followed. The following section is about preparing for the IEP with subsections on the IEP meeting, team, and student/family involvement. Next, special factors that the IEP team needs to consider are identified including: transition, behavioral concerns, discipline procedures, assistive technology, limited English proficiency, special needs of hearing or visually impaired students, and the health plan or emergency health plan. The fourth section is on developing the IEP in terms of requirements concerning: least restrictive environment; student's present level of educational performance; measurable annual goals, benchmarks, and short-term objectives; monitoring strategy; instructional support and related services; and participation in district-wide assessment. The final two sections are on implementing the IEP (including written prior notice) and reviewing the IEP (decision making, IEP review and revision, and extended school year services). Four appendices include a variety of brochures, meeting guides, sample forms, guidelines for specific situations, lists of accommodations, a glossary, and frequently asked questions. (Contains 12 references.) (DB)

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April 1998

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...Our Guidance

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Their Future...
...Our Guidance

Iowa IEP Guidebook

April 1998

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This guidebook is the collaborative effort of Iowa Area Education Agencies, Local Education Agencies and Department of Education. Work groups from across the State came together and combined their thoughts and practices to develop the content of this document. However, the completion of this document would not have been realized without the writing talents, and creative genius of Anna Li Jessop. She was able to take ideas from the many work groups and translate them into user friendly text. Her ability to design and layout the text created a document that represents the spirit of IDEA. Her dedication to the project and tireless efforts are evident in the document. This document is a tribute to Anna's skills and her dedication to the education of children with disabilities. Thank you, Anna. We could not have done this without you.

-Lana Michelson

Preface & Acknowledgments

This guidebook was written to assist teachers and professionals involved in the IEP process. It's sole purpose for existance is to make their job easier. Completing an IEP for a student with special education needs can be a daunting task and this document is intended to help individuals sort through all of the pieces and to help them make sense of those pieces in relationship to the law. It provides practical information as well as information about best practices. It attempts to guide individuals through the decision making process by helping them ask pertinent questions regarding those decisions.

A number of dedicated groups of people contributed to the development of this guidebook. Each work group was charged with providing clarifying information and an awareness of the legal requirements regarding their particular topic. They were then asked to identify how their particular topic would fit into a comprehensive document addressing the IEP. Greatest appreciation and thanks are extended to this talented and dedicated group of people:

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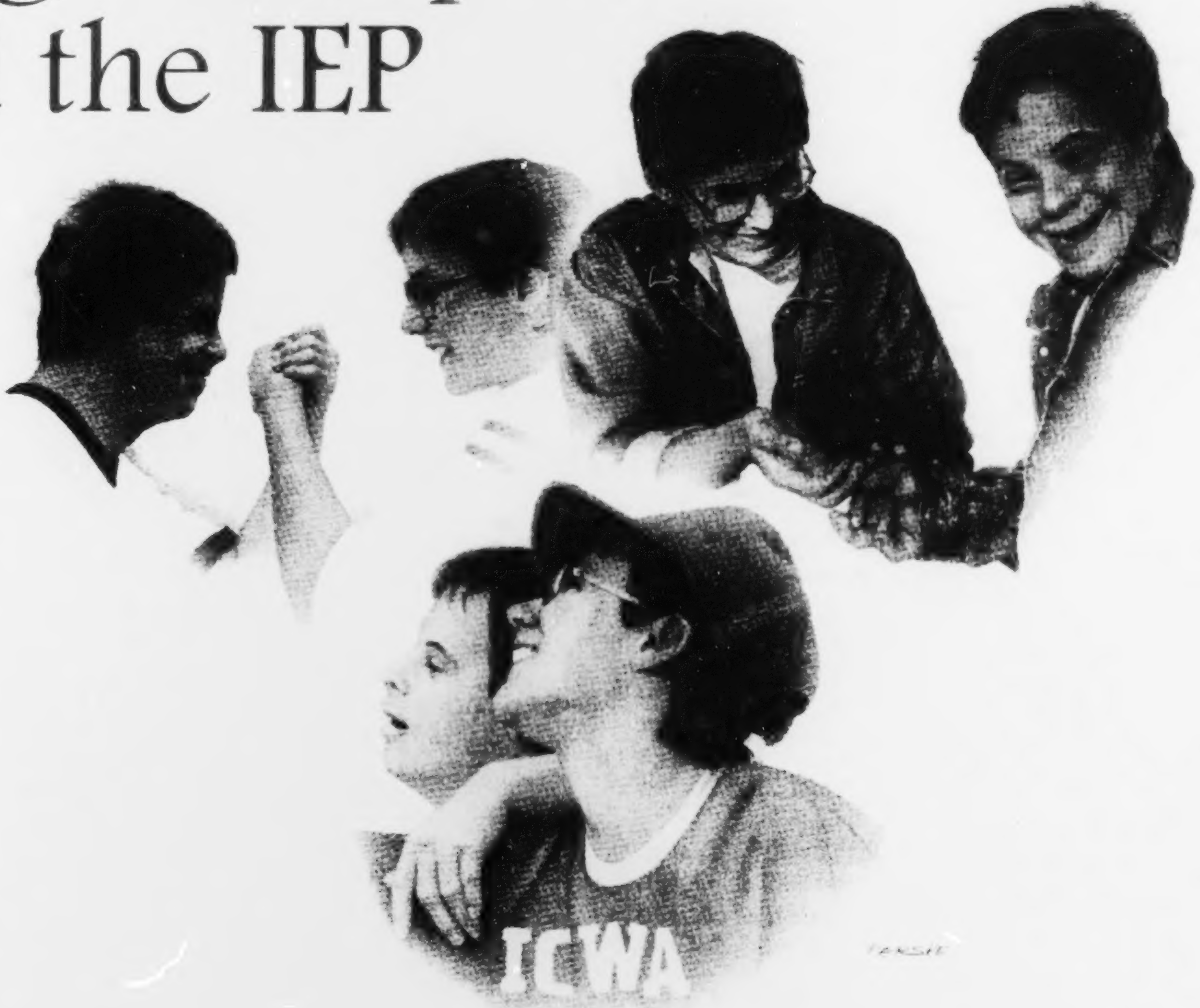
Guiding Principles Behind the IEP



Guiding Principles

Public law 105-17 known as the Individuals with Disabilities Education Act, is legislation that was passed to ensure children with disabilities receive a free appropriate public education that meets their unique needs. The Individuals with Disabilities Education Act (IDEA) requires that an individualized education program be written for each student with a disability receiving special education and related services.

The term individualized education program or IEP, is defined as a written statement for each child with a disability that describes the student's educational program and is developed, reviewed, and revised in accordance with IDEA. Each IEP is a vital document, for it spells out, among other things, the special education and related services each student will receive. The IEP is developed by a team that includes parents and school professionals and, when appropriate, the student. The law is very specific about how a student's IEP is developed, reviewed, and revised.

Implications regarding the importance of the IEP can be seen in the Education System Goal for the State of Iowa. That goal is to improve the level of learning, achievement and performance of **all** students so they will become successful members of their communities and the workforce. To help achieve the Education System Goal, the following principles guide improvement in Iowa's schools:

- **All** students must become responsible and productive citizens in an increasingly interdependent world.
- Every level of Iowa's educational system must be committed to enabling **all** students to reach their full potential; this includes creating opportunities for our youth and adults to prepare for success in work or further education.
- Higher expectations for **all** students must emphasize academics and the application of that knowledge and those abilities in problem solving, decision making and workplace readiness.
- Parents and families must be active partners in the education of their children.
- **All** students must have equal opportunity to participate in school programs and activities regardless of race, religion, national origin, sex or disability.

It is important to note that IDEA and Iowa's goal and principles support each other. The existence of the IEP is imperative if we are to achieve the Education System Goal for the State of Iowa for **all students.** The significance of the IEP is reflected in that it is a major component of IDEA. As earlier noted, IDEA requires that an individualized education program be developed for each child identified as needing special education services. The IEP, based on the student's involvement and progress in the general curriculum, is developed by the IEP team. Each IEP should be developed with careful consideration of each child's capabilities, strengths, needs and interests. The IEP should direct the student toward high expectations and toward becoming a successful member of his or her community and the workforce. It should function as the tool that directs and guides the development of meaningful educational experiences, helping the child achieve his or her goals. In short, it should assist the student in meeting the goals of our educational system.

The State of Iowa's IEP model is based on the following six foundations:

1) The IEP is a process and a product which documents that the student is receiving a Free Appropriate Public Education (FAPE) consistent with all federal and state requirements;

2) The IEP reflects the student's and the family's vision for the future;

3) To the maximum extent appropriate, students requiring special education services are educated with individuals who do not require special education;

4) IEP development is a collaborative process;

5) The IEP team develops a student's IEP based on the student's involvement and progress in the general curriculum; and

6) The IEP process involves on-going progress monitoring and decision making. Decision making is solution-focused, based on the student's needs, and used to improve student results.

Foundation #1

The IEP is a process and a product which documents that the student is receiving a Free Appropriate Public Education (FAPE) consistent with all federal and state requirements.

The IEP is responsible for defining how to deliver a free appropriate public education to a student requiring special education services. It reflects the vision and defines the educational services, activities, and linkages necessary for the student to reach the vision. It also describes the services the student needs to receive educational benefit. The IEP is a working document that must meet legal requirements and provide guidance for day-to-day instruction. It serves as a concise summary of a student's needs, goals, supports and services. The IEP team must ensure that all components of the specially designed plan are linked and implemented as described.

Indicators

◊ The IEP document is written in language understandable to all team members.

◊ Services are implemented as outlined on the IEP.

◊ The State IEP prototype meets all of the Federal requirements.

◊ Each AEA has adopted the State prototype or has a document that meets State and Federal standards.

◊ The IEP is reviewed (and revised, if necessary) at least annually.

Foundation #2

The IEP reflects the student's and family's vision for the future.

Each student's IEP is based on the hopes, dreams, insights and expectations of the student and family with input from educators. A vision helps the IEP team focus on the whole child and his or her strengths and needs. It provides common ground for dialogue to occur between student, family and educators. The vision focuses on the needs of the student. It guides the student's plan and the standard used to prioritize needs. It is also used to design a program that meets the student's unique needs and prepares him or her for the future and adult life. It should also guide the development of goals that communicate expectations which can be monitored periodically. The development of the vision is achieved through on-going discussion.

Indicators

- As part of the IEP meeting, the family and the student (as appropriate) are provided with an opportunity to dialogue about their hopes,dream, insights and expectations for the student.
- The IEP process begins with the team's dialogue about the vision.
- The vision is written on the IEP document.
- The vision statement is reviewed yearly.
- The vision is reflected throughout the IEP process.

Foundation #3

To the maximum extent appropriate, students requiring special education services are educated with individuals who do not require special education.

Schools are responsible for providing an appropriate educational environment for each student. For students who require special education, the determination of the appropriate educational environment is based on the individual needs of the student and must address the legal requirements described as the "least restrictive environment." Planning educational services for each student with disabilities begins with the assumption that the general education environment is the appropriate place to educate all students. The general education environment also encompasses the locations where all students participate in nonacademic and extracurricular activities. For preschool students, the general education environment comprises locations in the home and community settings where young children of similar age, without disabilities participate in activities.

Indicators

- Students are educated with their nondisabled peers to the maximum extent appropriate.
- Students are not taken from the general education environment for special services without justification.
- Students with disabilities are neither unnecessarily nor inappropriately separated from their nondisabled peers for educational experiences.

- Schools provide supplementary aids and services, accommodations and modifications, and supports allowing students with disabilities to be educated with their nondisabled peers whenever appropriate.
- Schools provide a continuum of service locations including special classes and separate facilities.
- The preferred location for special education services is the neighborhood school a student with a disability would attend if he or she did not have a disability.
- The IEP team determines, on an individual basis, the appropriate educational setting for each student. The team also considers the unique needs of the student, the goals they have established for the student, and the services required to achieve the goals.

Foundation #4

IEP development is a collaborative process.

The development of the IEP is a collaborative process. Collaboration among IEP team members is essential to ensure that each student's educational experience is a success. All members of the IEP team are equal partners. The opinions of all team members are valued and encouraged. Participants offer suggestions, listen carefully, encourage others, and ask questions. Equality and respect are extended to all team members. Because of their long term perspective and unique relationship with the student, parents and other family members bring a valuable understanding of the student to the table. Students also know themselves well and often can express their own needs, strengths and interests better than anyone else. With this in mind, educators must continue to recognize their responsibility to maintain and enhance partnerships throughout the school year with parents and students in order to create a collaborative environment at the meeting.

Indicators

- The student participates as a self-advocate at the earliest age possible.
- The participation of the student in the process reflects the student's self-advocacy instruction.
- The parents and student know and understand their rights. (i.e. "parental rights" have been clearly communicated.)
- The IEP meeting notice includes the name and title of all persons that will attend and have been invited to attend the IEP meeting.
- The parents understand that they may bring "other individuals who have knowledge or special expertise regarding the child," with them to the IEP meeting.
- The IEP meeting is scheduled for a mutually agreeable time.
- All participants are focused on a common outcome.
- Community service agency representatives are invited and encouraged to participate in the IEP development as appropriate.
- The collaborative IEP process is made more efficient and effective using a group facilitation process.

Foundation #5

The IEP team develops a student's IEP in relationship to the general curriculum.

Students have greater success when they have access to the general curriculum, when they are provided the assistance necessary to progress in the general curriculum, and when educators hold high expectations for them. IEP teams must hold high expectations for all students. They are additionally responsible for ensuring access to the general curriculum to the maximum extent appropriate. In doing this, the IEP team must identify the special education and related services, supplementary aids and services, assistive technology, modifications, and assistance for educators which are needed to ensure the student's involvement and progress in the general curriculum.

Indicators

◊ General education teachers actively participate on IEP teams.

◊ Individuals who are knowledgeable about the general curriculum are members of the IEP team.

◊ The student's performance in relationship to the general curriculum is documented in the IEP's present levels of educational performance statement.

◊ Goals are selected from the general curriculum, whenever appropriate.

◊ Curriculum standards or benchmarks are used to assess a student's progress, whenever appropriate.

◊ The IEP specifies the services and supports needed to ensure involvement and progress in general curriculum.

Foundation #6

The IEP process involves on-going progress monitoring and decision making. Decision making is solution-focused, based on the student's needs, and used to improve student results.

The IEP represents a plan for specially designed instruction and services for the student. This instruction is most effective when guided by feedback which involves continuous progress monitoring. Progress monitoring is needed to provide objective information and to make instructional decisions. The decision-making process is focused on improved results for the student and relates to progress in the general curriculum. Decisions should be based upon the ongoing collection of data, analysis of student performance over time, and in response to the results of educational interventions. The data collected from progress monitoring should serve as a communication tool for **all** members of the IEP team.

Indicators

◊ Goals are meaningful, measurable, can be monitored, and are used to make decisions.

◊ A decision-making plan is developed.

◊ There is evidence of a measurement strategy, an ongoing method of data collection, and data analysis which drives the decision making process.

◊ All members of the IEP team, including parents, the student, and others, as appropriate, receive information about progress on the goals.

◊ Progress is reported as often as it is in general education.

Preparing for the IEP Meeting

The IEP Meeting

What is it?

At the IEP meeting, the individualized education plan for a student is developed by an IEP team. The IEP team goes through a series of steps to make informed decisions that lead to an individualized education plan focused on the vision for the student or youth. The law states:

> IDEA, Title 34 CFR, Sec. 300.343
>
> (a) General. Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with State policy and at the discretion of the LEA, and with the concurrence of the parents, an IFSP described in section 636 of the Act for each child with a disability, aged 3 through 5).
> (b) Timelines. (1) Each public agency shall ensure that an offer of services in accordance with an IEP is made to parents within a reasonable period of time from the agency's receipt of parent consent to an initial evaluation.
> (2) In meeting the timeline in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30- days of a determination that the child needs special education and related services.
> (c) Review and revision of IEP. Each public agency shall ensure that the IEP team—
> (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
> (2) Revises the IEP as appropriate to address—
> (i) Any lack of expected progress toward the annual goals described in Sec. 300.347(a), and in the general curriculum, if appropriate.
> (ii) The results of any reevaluation conducted under this section;
> (iii) Information about the child provided to, or by, the parents, as described in Sec. 300.533(a)(1);
> (iv) The child's anticipated needs; or
> (v) Other matters.

The IEP must contain a statement of:

- present level of educational performance
- measurable annual goals, including benchmarks or short-term objectives
- special education and related services
- explanation of nonparticipation in general education curriculum when necessary
- participation in state wide or district wide assessments or, if determined by the IEP team, a statement of alternate assessment
- dates, frequency, location and duration of services
- student progress (measuring and reporting)
- transition services
- transfer of rights
- extended school year
- assistive technology
- physical education

Why is it important?

During the IEP meeting, the IEP team develops an IEP that is a "living document" and puts it into effect before providing special education and related services to a student. The IEP team is additionally responsible for implementing the

IEP as soon as possible following the meeting. The IEP team also revises the IEP when necessary and reviews it at least annually. The IEP meeting must involve all of the required participants including transition service participants as transition is being discussed, and parent participation must be ensured. Anytime the IEP team is considering the development, revision, or review of a student's IEP, the meeting includes a discussion of the student's strengths; the parents' concerns; the results of evaluation; special factors such as behavior, limited English proficiency, Braille, communication needs, and assistive technology.

How do we do it?

State and federal regulations require each agency to "take steps to ensure" that one or both of the parents of a child with a disability are present at, or are afforded an opportunity to attend, each IEP meeting. Mandatory steps include "notifying the parents of the purpose, time, and location of the meeting and who will be in attendance." If transition services will be discussed at the meeting, specific notice of this purpose must be included along with indication that the student and representatives of identified outside agencies may attend. This is a "pre-meeting notice" requirement, and applies to any meeting "to develop, review, or revise" a student's IEP, including a meeting to discuss termination of special education services based on the child's progress (34 CFR 300. 345 and 281 Iowa Administrative Code (IAC) 41.64(1)(c)).

The purpose of the "pre-meeting notice" requirement is to ensure an opportunity for parental participation in each IEP meeting. The "pre-meeting notice" may be oral, written, or both. As a matter of best practice, a district provides written pre-meeting notice if possible. If circumstances require oral notice, the district documents all contacts with the parents, the content of the information conveyed, and the parents' response. This documentation is required for a district to conduct an IEP meeting without the parents' participation (34 CFR 300.345(d) and IAC 281 41.64(2)).

No time line for this notice is included in the regulations. There has been a "reasonableness test" applied in assessing the timelines of pre-meeting notice and traditionally a 10-day advance notice is considered adequate.

With the exception of transition services, the regulations do not require the pre-meeting notice to identify the specific programmatic issues to be discussed at the meeting. However, the information conveyed to the parents must provide notice of the "purpose" of the meeting. In order for the parents to be prepared to meaningfully participate in the meeting, some detail regarding the items to be discussed should be included in the notice. The less routine the purpose of the meeting, the more detailed the statement of purpose within the notice should be.

Parents have a right to participate in all meetings addressing identification, evaluation, placement and the provision of a free appropriate public education for their child. Pre-meeting notice must be given for all such meetings. The law states:

> IDEA, Title 34 CFR, Sec. 300.345 Parent Participation (a) Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
(2) Scheduling the meeting at a mutually agreed on time and place.
(b)(1) The notice under paragraph (a)(1) of this section must indicate the purpose, time, and location of the meeting and who will be in attendance.
(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—
(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in Sec. 300.347(b)(1)(i); and
(ii) Indicate that the agency will invite the student.
(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—
(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in Sec. 300.347(b)(1)(ii);
(ii) Indicate that the agency will invite the student; and
(iii) Identify any other agency that will be invited to send a representative.
(c) If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.
(d) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as—
(1) Detailed records of telephone calls made or attempted and the results of those calls;
(2) Copies of correspondence sent to the parents and any responses received; and
(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
(e) The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
(f) The public agency shall give the parent, on request, a copy of the IEP.

The law also requires parents to be informed of procedural safeguards (IDEA CFR 34 Sec. 300.504). In Iowa, the Parental Rights Brochure serves as notice of procedural safeguard (a copy is included in the Appendix). The Parental Rights Brochure should be given to parents upon:

- ◊ initial referral for evaluation;
- ◊ each notification of an IEP meeting;
- ◊ reevaluation of the child; and
- ◊ receipt of a request for due process.

The law further requires procedural safeguards to be written in language the parents can understand. Understandable language may mean the procedural safeguards need to be translated in the native language of the parent. The parents must also be able to understand the content. The IEP team then documents on the IEP that the procedural safeguards have been given to, and understood by the parents.

Prior to the IEP meeting:

- ◊ Take steps to ensure one or both parents of the child with a disability are present at each meeting or offered the opportunity to participate.
- ◊ Decide which general education teacher(s) should attend.
- ◊ Gather information from other general education teachers.
- ◊ Discuss the benefit of having the student attend and then make the decision regarding his or her participation.
- ◊ Establish a mutually agreeable date, time and location.

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- Send meeting notice.
- Inform participants of their roles and responsibilities.
- Select people to fill process roles such as facilitator, recorder, etc.
- Prepare the agenda.
- Set standard ground rules.
- Send worksheets and information to all team members so they can prepare for the meeting.
- Prepare the meeting place (i.e. arrange furniture in a manner reflecting equality of team members)
- Encourage student-led meetings when appropriate.

When one considers the magnitude of the charge given to the IEP team, it is vital to consider the processes the team uses to make decisions. To assist the IEP team in making decisions, best practice is to use **consensus** building. "Consensus is the mutual feeling that all concerns have been addressed and that everyone has been heard and understood" (Saint & Lawson p. 4). It is not, however, unanimity or 100 percent agreement on everything by everybody. A guide to steps for building consensus is found in Appendix A of this document.

The use of consensus as a decision-making process promotes better communication, better implementation of responsibilities and ensures all participants have an active role in developing the IEP. "Research indicates that collective decision making actually produces higher quality decisions" (Saint & Lawson, 1994, p. 5). In addition, it is an effective way to foster creativity, innovation, and accountability. Good "group process" leads to more effective and efficient meetings and can also help a team reach agreement and resolve conflict when necessary.

To work toward consensus, team members can use a facilitator, recorder, ground rules, and an established agenda. Descriptions of the role of the facilitator and the recorder are found in Appendix A, as well as an example of ground rules, and the basis for constructing an agenda for an IEP meeting.

During the IEP meeting:

- Define the purpose of the meeting.
- Make introductions, with each participant indicating their role and purpose for being at the meeting.
- Adjust standard ground rules as needed and ensure they are followed.
- Follow the agenda.
- Use strategies to encourage student involvement.
- Use strategies to ensure everyone participates.
- Share all ideas by writing on flip charts, overheads, newsprint, or computer display so all IEP team members see recorded ideas.
- Use procedures that lead to decisions made by consensus.
- Summarize the meeting and define the next steps.
- Share information with parents and student using jargon free language.

If it is not possible to reach consensus in an IEP meeting, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program and placement. The parents have the right to seek resolution of any disagreements through mediation or other informal means, or by initiating an impartial due process hearing. Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing.

After the IEP meeting:

- ◊ Gather and send information as requested.
- ◊ Gather feedback through follow-up phone conversations or by mailing satisfaction surveys.
- ◊ Consider feedback and make adjustments to the IEP team group process.

How do we know we are doing it right?

- ◊ All IEP team members know the purpose of the meeting ahead of time.
- ◊ Required IEP team members attend the meeting.
- ◊ The school district sends the required notice to parents.
- ◊ Prior to the meeting, the school district sends all participants materials to help them prepare for the meeting (i.e., worksheets for goal setting, AEA and teacher reports).
- ◊ Policy and procedures documentation indicate prior preparation of parents.
- ◊ Parents are knowledgeable about their rights.
- ◊ IEP team members are on time, present for the entire meeting, and prepared.
- ◊ The meeting incorporates such structures as a facilitator, dialogue, ground rules, and sharing ideas by writing on flip charts, overheads, newsprint, or computer display, etc.
- ◊ IEP team members keep an open mind and avoid premature judgment during discussions at the IEP meeting.
- ◊ IEP team members share useful ideas.
- ◊ Ground rules and meeting guidelines are supported by IEP team members.
- ◊ IEP meeting time is used effectively and efficiently.
- ◊ Decisions regarding the IEP are made within the IEP meeting structure.
- ◊ IEP team members voice willingness to implement decisions.
- ◊ Decisions are implemented.
- ◊ Decisions made will help the student or youth progress toward the vision.
- ◊ After the meeting, all participants can explain the outcome(s) of the meeting.
- ◊ Post-meeting satisfaction surveys, of all participants, indicate a high level of satisfaction with the meeting process. (Sample found in Appendix A)

The IEP Team

What is it?

Members of the IEP team according to the law must include:

IDEA, Title 34 CFR, Sec. 3003.344

a. General
1) The parents of the child
2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
3) At least one special education teacher, or if appropriate, at least one special education provider of the child
4) A representative of the LEA who—
(i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
(ii) is knowledgeable about the general curriculum;
(iii) is knowledgeable about the availability of resources of the LEA.
5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team in another capacity
6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, if appropriate
7) If appropriate, the child
b. Transition services participants
1) The public agency shall invite a student with a disability of any age if a purpose of the meeting will be the consideration of the statement of transition services needs or statement of needed transition services for the student.
2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.
3) (i) The public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

Why is it important?

The IEP team is a group of people who come together at an IEP meeting in order to develop, review and revise a student's IEP. Each member of the team has a clearly defined role. The members are knowledgeable about the student and have knowledge about services that could benefit the student. Although the individuals in a school may change from meeting to meeting, the roles remain the same.

How do we do it?

The appropriate people must be invited to the IEP meeting. Each member serves an important function in the development of a meaningful, effective IEP for the student. A description of each of the team members follows:

Parent
The parents of a child with a disability are equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information about their child's abilities, interests, performance, and

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history, (2) participate in the discussion about their child's need for special education and related services and supplementary aids and services, and (3) join with the other participants in deciding how their child will be involved and progress in the general education curriculum; how their child will participate in State and district-wide assessments; and what services the agency will provide to their child and in what setting.

> IDEA, Title 34 CFR, Sec. 300.19
>
> (a) As used in this part, the term parent means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with Sec. 300.515. The term does not include the State if the child is a ward of the State.
> (b) State law may provide that a foster parent qualifies as a parent under Part B of the Act if—
> (1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law;
> (2) The foster parent has an ongoing, long term parental relationship with the child;
> (3) The foster parent is willing to participate in making educational decisions in the child's behalf; and
> (4) The foster parent has no interest that would conflict with the interests of the child.
>
> (Authority: 20 U.S.C. 1401(19))
>
> Note: The term "parent" is defined to include persons acting in the place of a parent, such as a grandparent or stepparaent with whom a child lives, as well as persons who are legally responsible for a child's welfare, and at the discretion of the State, a foster parent who meets the requirements in paragraph (b) of this section.

In order to achieve better results for children with disabilities, it is critical to strengthen the role of parents, and to provide a means for parents and school staff to work together in a constructive way. Parents' concerns and the information they provide regarding their child, must be considered in developing and reviewing their child's IEP.

An excerpt from an article titled: *Facilitating Participation: Parents' Perceptions of Their Involvement in the IEP/Transition Planning Process* offers some insight on this topic and can be found in Appendix A.

Student

Generally a student with a disability should attend the IEP meeting, particularly if the parent decides it is appropriate for the student to attend. If possible, the agency and parents should discuss the appropriateness of the student's participation before a decision is made. This discussion should help the parents determine whether or not the student's attendance will be helpful in developing the IEP, directly beneficial to the student, or both.

Prior to the IEP meeting, the student is provided with instruction regarding what an IEP is and how to participate, in a meaningful way, in the IEP's development. The student for whom the IEP is being developed should be a part of the planning for his or her own education. If the purpose of an IEP meeting is the consideration of needed transition services, the public agency invites the student. If the student does not attend, the public agency takes other steps to ensure the student's preferences or interests are taken into consideration.

CFR 34 Sec. 300.517 permits States to transfer procedural rights to a student with disabilities who has reached the age of majority, which is age 18 under Iowa law. If procedural rights under Part B are transferred from the parents to the student, the public agency ensures the student has

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the same right to participate in IEP meetings as set forth for parents. However, at the discretion of the student or the public agency, the parents may attend IEP meetings as "individuals who have knowledge or special expertise regarding the child."

Special Education Teacher

The special education teacher or special education provider participating in a student's IEP meeting is the person who is, or will be, responsible for implementing the IEP. The special education teacher can be either (1) a teacher qualified to provide special education in the student's area of suspected disability, or (2) another special education provider such as a speech-language pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under the applicable State standard.

Sometimes more than one meeting is necessary to finalize a student's IEP. In this process, if the special education teacher who will work with the student is identified, it is useful to have that particular teacher participate in the meeting with the parents and other members of the IEP team in finalizing the IEP. If this is not possible, the agency should ensure the teacher is given a copy of the student's IEP as soon as possible after the IEP is finalized and before the teacher begins working with the student.

Regular Education Teacher

The regular education teacher participating in a student's IEP meeting should be the teacher who is, or may be, responsible for implementing the IEP, so the teacher can participate in discussions about how best to teach the student.

If the student has more than one teacher, the local education agency (LEA) designates the teacher or teachers to participate. In a situation in which all of the student's teachers do not participate in the IEP meeting, the LEA is encouraged to seek input from teachers who will not attend, and ensures that any teacher that does not attend the meeting is informed of the results of the meeting, and receives a copy of the IEP.

The regular education teacher must participate, to the extent appropriate in the development, review, and revision of the IEP for the student. The regular education teacher also assists in determining appropriate positive behavioral interventions and strategies and supplementary aids and services, program modifications, and support for school personnel. Generally, regular education teachers have a central role in the education of students with disabilities and have important expertise regarding the general education curriculum and the general education environment. Due to the emphasis on involvement and progress in the general curriculum added by the IDEA Amendments of 1997, regular education teachers have an increasingly critical role in implementing, together with special education and related services personnel, the program of FAPE for most students with disabilities.

The involvement of the "regular education teacher" is also important in considering the review and development of an IEP for children aged 3 through 5 receiving early childhood special education services. If a public agency provides "regular education" preschool services to nondisabled children, the requirements apply as they do in the case of older children with disabilities. If a public agency makes kindergarten available to nondisabled children, a regular education kindergarten teacher could appropriately be the regular education teacher who would participate in an IEP meeting for a kindergarten-aged child who is, or may be, participating in the regular education environment. If a public agency does not provide regular preschool education services to nondisabled children, the agency designates an individual who, under State standards, is qualified to serve nondisabled children of the same age.

Representative of the Public Agency

The local education agency representative must be qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities. The representative must be knowledgeable about the general curriculum and about the availability of resources of the local educational agency. Each local agency determines the specific staff member to serve as the agency representative in a particular IEP meeting, so long as the individual meets these requirements. Dual roles for team members are appropriate. For instance, a special education teacher could serve as the special education teacher and the public agency representative. It is, however, important that the agency representative possess the authority to commit agency resources and be able to ensure that services described in the IEP will actually be provided. IEP meetings for continuing placements, in some instances, are more routine than those for initial placements, and may not require the participation of a key administrator.

Persons Invited at the Discretion of Parents or Public Agency

At the discretion of the parent or agency, other individuals who have an intense interest in the student, knowledge or special expertise regarding the student may be invited to participate at the IEP meeting. Other individuals may include related services personnel, employers, medical specialists, private counselors, and independent evaluators.

Although other individuals may be invited to the IEP meeting; this does not make attendance at the IEP meeting a "free-for-all." There is no provision for the participation of individuals such as representatives of teacher organizations, or attorneys at IEP meetings. The interests of the student should be the central focus of the meeting, not the interests of the school or a specific teacher; therefore, the presence of a representative of a teachers' organization on behalf of a teacher would be inappropriate. Attorneys are not barred from IEP meetings, but they must possess knowledge and expertise regarding the student to warrant their participation. The participation of attorneys at IEP meetings is discouraged if their participation could create an adversarial atmosphere which would not be in the best interest of the student.

Outside Agency Representatives for Transition Planning

Transition services must be coordinated with other agencies as a part of the IEP for 14 year olds. When transition services must be coordinated with agencies other than the school are discussed for a student, it is important that a representative of the other agencies be present at the IEP meeting to provide input and commit resources.

Interpreter of Evaluation Results

An individual capable of interpreting the instructional implications of evaluation results must also be a member of the IEP team. This individual can be the special education teacher, the LEA representative, or the regular education teacher already in attendance at the IEP meeting.

How do we know we are doing it right?

- ◊ Parents receive written notice of the meeting.
- ◊ If appropriate, the student actively participates in the meeting.
- ◊ There is prior communication with all team members.
- ◊ The student's general education teacher is present at the IEP meeting and provides critical information.
- ◊ If the student has more than one teacher, those teachers are present at the IEP meeting or provide input.
- ◊ If a support and/or related service provider is providing services as identified on a previous IEP, or needs to be present for future decisions regarding support and or related services, the provider attends and/or provides input at the IEP meeting.
- ◊ Parents are informed about the IEP process and bring information about their child to the IEP meeting.
- ◊ All required participants attend the IEP meeting.
- ◊ Each participant shares information during the development of the IEP.

Student and Family Vision

What is it?

A vision is a statement describing the student's and family's hopes for the future. The IEP team works with the student and family to develop a vision tailored to the student's preferences and interests. This vision provides a common foundation for dialogue for the student, family and educators. It helps the IEP team focus on the whole child, and his or her strengths and needs. The vision statement uses the language of the family and student, as appropriate, to assure a common understanding of what the family and student would like to achieve.

In some cases, a vision statement may provide a general description of future expectations for the student over a long period of time. In others, a vision statement may reflect more immediate and specific outcomes that should occur within a shorter time frame. As the student matures, a vision statement is likely to evolve and become more specific.

Within the early childhood and elementary years, the vision may be a general statement about hopes for the long range future or the vision may include a specific vision for an accomplishment within a short period of time. Movement between school, programs, or grades may be addressed in terms of the vision (or expectations) of the upcoming environment. During the secondary years, the vision, along with the plan for transition, should focus on transition needs of the student and should address future living, working and educational outcomes.

Why is it important?

Establishing a vision as part of the IEP process helps ensure the proposed program and its intended educational benefit truly reflect what the family and student want. It is also an opportunity to discuss the concerns of the parents.

> IDEA, Title 34 CFR, Sec. 300.346 Development, review, and revision of IEP.
>
> (a) Development of IEP.
> (1) General. In developing each child's IEP, the IEP team, shall consider—
> (i) The strengths of the child and the concerns of the parents for enhancing the education of their child; and
> (ii) The results of the initial or most recent evaluation of the child.

Family members know the student best and will provide the student with ongoing support during and after the educational years; this further validates the need to address family members' specific concerns.

The development of the vision promotes collaborative discussion among the student, family and other team members. It is an excellent communication tool that with time, expands and becomes more focused on transition issues.

If the family does not participate in the IEP process and the student is unable to communicate his or her vision, it is the responsibility of the educators to create a vision focused on high expectations, progress in the general curriculum, and

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improved student results. For students at age 14, the vision incorporates post-school outcomes based on the student's needs, preferences, and interests.

How do we do it?

The family and student should have the opportunity to discuss the vision before the IEP meeting. This can be done by sending ideas and examples about how to write a vision statement to the family prior to the meeting date. It is also helpful to provide opportunities in school for the student to begin his or her thoughts about a vision. Selected staff should discuss the concept of a vision with the parents and student prior to the IEP meeting and provide any needed assistance.

The development of a vision for the student begins with discussions among the family, student and educators as initial general education interventions are attempted. Discussions with the family at the IEP meeting could begin by asking two simple questions: "What is it you want for your child?" and "What does the child want for him or herself?" After addressing these questions, the discussion may continue by asking "What do we need to do in order to accomplish what you want?" These discussions could begin during the completion of a full and individual evaluation and continue into the IEP decision-making process. The vision then becomes the culmination of many discussions preceeding the actual IEP meeting itself. The IEP team should record a summary of the discussions regarding the vision on the IEP document in the *Student and Family Vision* section.

To develop the vision component, the IEP team needs to consider:

- ◊ How to best prepare the family and student to provide their input.
- ◊ How to structure the input so the vision section does not become too time consuming or lengthy.
- ◊ How to elicit the information if the use of a second language is involved.
- ◊ How to involve the student in a meaningful way appropriate to the student's age and specific abilities.
- ◊ How to develop the vision with only the student's participation if family input is not available.

The discussion of a vision for the student's future should be ongoing. It is a discussion that continues at each review and decision-making point.

How do we know we are doing it right?

The vision statement:

- ◊ accurately summarizes what the student and family want for the student;
- ◊ clearly describes the student's expectations for the future and guides the remainder of the IEP development process;
- ◊ is clearly related to the PLEP, goals and objectives, services and other aspects of the IEP;
- ◊ is developed through a dialogue among the family, the student as appropriate, and service providers.

Examples of Vision Statements on the IEP

Student and Family Vision

Tim's parents are pleased with Tim's progress in his ability to tell them what he wants and to play with his sister. They have expressed a concern regarding the development of the skills he will need for kindergarten.

Student and Family Vision

John's family wants to see him get his temper under control so that he can participate in more general education classes next year. They would also like to see him develop neighborhood friendships.

Student and Family Vision

Robert's family would like to see him become toilet-trained through the collaboration of home and school.

Student and Family Vision

Jane and her family would like to see her improve in reading.

Student and Family Vision

John hopes to be competitively employed in a retail or office setting after high school, doing a job such as cashiering or data entry. Although he plans to live with his family for a while after graduation, he anticipates eventually getting his own apartment, perhaps with a roommate. He is not interested, at this time, in pursuing any post-secondary education.

Student and Family Vision

Although Ray appears interested in future employment in the custodial area, his parents are not interested in having him pursue any further job training or job assistance at this time. Ray will continue to live with his family and has no plans for post-secondary education or training.

Student and Family Vision

Mary plans to attend the community college to study child development. She will continue her job at the YMCA Daycare Center. She wants to live in an apartment with support and is on a waiting list to do so.

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Special Factors the IEP Team Needs to Consider

Transition

What is it?

> IDEA, Title 34 CFR, Sec. 300.27 Transition services.
>
> As used in this part, transition services means a coordinated set of activities for a student with a disability that—
> (a) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
> (b) Is based on the individual student's needs, taking into account the student's preferences and interests; and
> (c) Includes—
> (1) Instruction;
> (2) Related services;
> (3) Community experiences;
> (4) The development of employment and other post-school adult living objectives; and
> (5) If appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition is a coordinated set of activities for a student with a disability, which promotes movement from school to post-school activities. These post-school activities include post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, and or community participation. The design of this coordinated set of activities is focused on outcomes. Transition is based upon the individual student's needs, and takes into account the student's preferences and interests. It encompasses instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate acquisition of daily living skills and functional vocational evaluation. Incorporation of transition into the IEP process by age 14, includes early identification of and planning for the student's post-school goals by defining a course of study.

Transition makes education relevant to the student and is driven by the following beliefs:

- ◊ The IEP represents and supports the vision of the student and the student's family.
- ◊ Transition drives the IEP process to prepare the student for the changes and demands of life after high school.
- ◊ Transition is an ongoing and outcome oriented process including commitment of resources, collaboration between people and agencies, and decision making to develop an IEP for the student.
- ◊ Transition allows the entire community, especially the family, the school, and adult service agencies, to share responsibility in the transition of the student.
- ◊ Transition planning promotes relevant, ongoing, outcome-oriented instructional experiences within the least restrictive environment, including community-based experiences.

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Why is it important?

Benefits from transition planning beginning by age 14 include:

- ◊ Realistic goals and plans based on the student's abilities and interests.
- ◊ Development of skills necessary to be successful in the chosen instructional, work, community, and living environments.
- ◊ Strong linkages between schools, families, and community service providers.
- ◊ Improved employment and educational outcomes.

The law requires:

> IDEA, Title 34 CFR, Sec. 300.347
>
> (b) Transition services. (1) The IEP must include—
> (i) For each student beginning at age 14 and younger if appropriate, and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and
> (ii) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.
> (2) If the IEP team determines that services are not needed in one or more of the areas specified in Sec. 300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
> (c) Transfer of rights. Beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority consistent with Sec. 300.517.

How do we do it?

Transition must be included in the IEP of all students, beginning at age 14.

Step 1: *Collect and Review Student Data.*

Prior to the IEP meeting, the teacher and the student review information about the student's capabilities in the following areas: mobility, work tolerance, self-direction, works skills, interpersonal relationships, communication and self-care. By age 16, the IEP team additionally considers the need for functional vocational assessment.

Step 2: *Prepare Student for the IEP Meeting.*

The student needs to understand his or her own strengths and skills and should be able to tell others about them. The student should also know about his or her disability and should be able to talk to others about the nature of the disability. The student needs to learn about what types of accommodations might help him or her succeed in the classroom. It is also important for the student to be able to advocate for him or herself, as well as develop skills for self-determination and independent decision-making. The student needs to become more and more involved in his or her own education and should provide input as the IEP team develops goals. When preparing a student for the IEP meeting, it is essential to discuss the student's vision and long range goals.

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Step 3: *Send IEP Meeting Notice.*

The LEA determines necessary participants, including outside agency representatives appropriate to vision and transition needs. All notice requirements must be met and the student, parents, and outside agency representatives must be invited to participate in the meeting.

Step 4: *Conduct the IEP meeting.*

A. Conduct the IEP meeting by beginning with a discussion of the student's vision and long range goal.

B. Develop the PLEP. At age 16, the PLEP needs to contain needed transition statements. The transition need statements should be in the areas of instruction, related service, community experiences, development of employment and post-school adult living objectives, and if appropriate acquisition of daily living skills and functional vocational evaluation.

C. Establish measurable goals and major milestones or short-term objectives.

D. Discuss the student's course of study, in order to meet his or her long range goal or vision. **Course of study** is a general statement that identifies the career path that is based on the student's vision and his or her needs, interests, and preferences. It defines the direction of the student's course work. The course of study also defines the transition needs for the student by identifying the instruction and educational experiences needed to assist the student to prepare for the move from secondary education to post-school life. In most instances at the secondary level, it defines the general education curriculum for the student, relates directly to the student's goals beyond secondary education, and shows how planned studies are linked to these goals. The course of study may change over time, so it needs to be reviewed annually to ensure it continues to reflect the long range vision of the student. As the IEP team identifies the course of study, their planning needs to reflect the concept of the least restrictive environment. For districts mapping a four-year plan for all students, the course of study should reflect the same activity that occurs for nondisabled students.

Examples of Course of Study:

◊ Math through Algebra II, all industrial arts classes that focus on engineering and technology path with construction fields, job shadowing and possible community work experience.

◊ As many family and consumer science classes as possible to acquire adult living skills; functional math; and community based work experience in the health and food service area

◊ Functional classes to develop skills for working on a team collaboratively; work experience in a sheltered workshop; and functional life skills

◊ Health occupation path to include courses in science through physics, math through Algebra II college preparatory core, classes and work based learning experiences in medical settings

E. Identify statements of coordinated activities in the areas of services. Document related services on the IEP. Identify who will provide and pay for transition services and document on the IEP. If transition services are determined unnecessary, the IEP team must provide a rationale and document it on the IEP.

F. Identify linkages and interagency responsibilities. The public agency is ultimately responsible for ensuring FAPE is available to each eligible child with a disability. That responsibility includes the planning and coordination of transition services through the IEP. This interagency planning and coordination may be supported through a variety of mechanisms, including memoranda of understanding, interagency agreements, assignment of a transition coordinator to work with other participating agencies, or the establishment of guidelines to work with other agencies identified as potential service providers. If appropriate, a statement of the interagency responsibilities or any needed linkages should be documented.

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student, the public agency that is responsible for the student's education should, as soon as possible, initiate an IEP meeting to identify alternative strategies to meet the transition objectives and, if necessary, revise the student's IEP. Alternative strategies might include the identification of another funding source, referral to another agency, the public agency's identification of other district-wide or community resources that it can use to meet the student's identified need appropriately, or a combination of these strategies.

Nothing relieves any participating agency of the responsibility to provide or pay for any transition service that the agency would otherwise provide to a student who meets the eligibility criteria of that agency. If an agency fails to provide or pay for a special education or related service (which could include a transition service), the LEA must provide or pay for the service, but may then claim reimbursement from that agency.

How do we know we are doing it right?

If transition is considered and approached appropriately, there will be an increase in student-led IEP meetings.

At age 14 and above:

- ◊ Student is notified, present, and participates in the IEP meeting.
- ◊ Parents are notified of meeting, participate, and are part of the discussion.
- ◊ The student's needs, preferences, and interests are addressed.
- ◊ The IEP documents the student's post-school goals.
- ◊ Evaluations are updated to address the needs, preferences, and interests of the student.
- ◊ Course of study is identified and updated annually.

At age 16 until graduation:

- The student's needs, preferences, and interests are addressed in each of the following areas:
  (1) Instruction
  (2) Related service
  (3) Community experiences
  (4) The development of employment and post-school adult living objectives
  If appropriate
  (5) Acquisition of daily living skills and functional, vocational evaluation
- For every identified need there is a goal or activity.
- Interagency responsibilities and needed linkages are identified to help achieve the goals and activities.
- If the IEP team determines that transition services are not needed, a justification statement to that effect is included in the mandatory areas, and is the basis upon which the determination was made.
- If an outside agency does not provide a service, the IEP team is reconvened and an alternate plan is developed.

Transfer of Rights and Graduation Notice

It is important to note that States may now transfer parent rights under Part B to the student when the student reaches the age of majority, which is age 18 in Iowa. Beginning at least one year before a student reaches age 18, the IEP must include a statement that the student has been informed of any rights that will transfer to him or her upon reaching the age of majority. This statement must be documented.

IDEA, Title 34 CFR, Sec. 300.517 Transfer of parental rights at age of majority.

> (a) General. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)—
> (1)(i) The public agency shall provide any notice required by this part to both the individual and the parents; and
> (ii) All other rights accorded to parents under Part B of the Act transfer to the child; and
> (2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State, or local correctional institution.
> (3) Whenever a State transfers rights under this part pursuant to paragraph (a) (1) or (2), the agency shall notify the individual and the parents of the transfer of rights.
> (b) Special rule. If, under State law, a child with a disability described in paragraph (a) of this section, is determined not to have the ability to provide informed consent with respect to the educational program of the student, the State shall establish procedures for appointing the parent, or if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under Part B of the Act.

Another requirement states that a student's graduation must be processed as a change of placement. The IEP team must give prior notice regarding the change in eligibility 18 months prior to graduation.

Iowa Rules of Special Education, 41.67(8)

> *Projected graduation.* The IEP must include a statement of the projected date of graduation at least 18 months in advance of said date and the criteria to be used in judging whether graduation shall occur. Prior to graduation, the IEP team must find that these criteria have been met.

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Example of Transition in the IEP

Vision Statement: Thomas has indicated he has an interest in a career in the medical field and intends to go on to college. He plans to live on his own. Thomas is reconsidering his career options.

Present Level of Educational Performance: Thomas is currently taking all general education classes. He has maintained a 2.8 grade point average in these classes by using basic accommodations for individuals with visual impairment: large print, readers, note takers, and books-on-tape. Thomas indicates he feels comfortable asking his teachers for these accommodations, or asking his friends for assistance. He continues to attempt to take notes in long hand. He has a Handicassette he uses for his taped books, but not for taping classes. During the 12/11/97 staffing, Thomas indicated he wished to stay in all of his general education classes and to receive his vision services after school and on a consultative basis. He did not wish to have the support of a special education teacher during the day. Thomas has been studying Braille and learning to use Braille technology two afternoons each week. He has mastered the Braille alphabet and is currently working on contractions. His attitude has been great and he is mastering Braille at an appropriate rate. The other technology he is working with includes the Braille-N-Speak, MegaDots Braille Translation program, Arkenstone Open Book reader and Blazer Braille Printer. Thomas has begun to learn basic functions using the MegaDots Braille Translation and print output. He needs to start using the Braille-N-Speak in his classes to take notes, he now has his own equipment for this. As Thomas moves into the higher levels of math, he is in need of additional assistance with graphing and other skills with high visual context. In Foods class, adjustments have been made in the timelines for assignments and the specific task in the group assigned to him. Other teachers do not report a need for any additional accommodations.

Annual Goal: By May 1999, Thomas will utilize adaptive technology and materials in his home and school environment to take notes in the general classroom with 80% accuracy for 5 consecutive days.

Short-term Objectives:

1. Thomas will begin Braille instruction learning: Braille alphabet letters; single cell contractions with 90% accuracy
2. Thomas will utilize adaptive technology: talking software; Braille-N-Speak; talking calculator; Braille printer; Arkenstone Open Book Reader with 80% accuracy, 2/3 trials

Annual Goal: By May 1999, Thomas will develop a personal career plan and will have completed 2 of the 4 activities listed as major milestones.

Major Milestones:

1. Thomas will identify two areas of career interest and visit with individuals with low vision in those career fields.
2. After identifying career interests, Thomas will identify training/education programs providing appropriate training and education and accommodations.
3. After identifying institutions, Thomas will map course of study and time lines.
4. Thomas and his parents will complete the appropriate financial aid and admissions applications.

Course of Study: Thomas will continue to take college prep classes and explore options in medical field and other interest areas; take advanced biology classes, chemistry and advanced math classes. Thomas has asked for assistance to consider other career fields as well.

Transition Services and Activities:

Instruction Needs: Thomas needs to continue to develop a higher level skill with Braille and the Braille technology. He will need access to equipment he can set up to meet his needs and preferences. He needs to start using the Braille-N-Speak to take notes in classes. Thomas also needs to develop a vision services section to his personal portfolio to keep information related to his vision, his accommodation needs and the equipment he uses. He will also need to develop skills and confidence in sharing this information with colleges, teachers and employers. In any new setting, Thomas will need assistance in locating classrooms, offices, services, etc. until he becomes familiar with the setting. College entrance and employment testing needs to be available in Braille format or through a reader provided due to the visual strain that sustained reading causes. Thomas will need to be familiar with vision services in any post high school educational program at which he might apply.

Related Service: Given the limited amount of time that Thomas will have to access school based services, he needs to continue his instruction and guided practice in the use of Braille and the associated technology through the summer to help him gain independence by graduation.

Community Experiences Needs: Thomas has been active in his community and at school. He had a drivers license and is familiar with the Davenport area. However, he is currently dependent on his family and friends for transportation. Part of the vision portfolio will be identification of services in the community for transportation and other community-based support services.

Employment Needs: Because of the change in his vision status since he made his first career plans, Thomas wishes to participate in additional career counseling. He needs to find out what accommodations are available to an individual with visual impairment in the medical field and other fields of interest. His academic skills are such that he probably does not need a functional vocational evaluation other than his functional vision assessments.

Post School Adult Living Objectives: Because his vision has decreased over the year and may continue to decrease, an Orientation and Mobility evaluation will be requested. Thomas' mother indicates that he continues to be independent in the home setting and is able to care for his personal needs and his money. If his vision continues to decrease, he may need orientation and mobility training in the home setting.

General Education: Due to significantly impaired visual acuity, Thomas will need the following adjustments to his educational program:

Thomas will need to participate in the general education curriculum with minor teacher/student determined adaptations when vision is a barrier, as in physical education and pottery classes.

Thomas will be provided access to alternative formats for testing, reading/listening to tests and writing. He will receive instruction in Braille. He will have a student aide in math and sciences as needed, identified by GE teacher.

Thomas will be using technology in his classrooms: he will be attempting note taking with the Braille-N-Speak, he will need access to a computer scanning system for reading by fall of 1998.

Special Education Instruction, Support and Related Services:

Service (Specify)	Amount of Time	Duration from to	Location	Person responsible
Itinerant Vision Services: - Braille and Adaptive Equipment Instruction - Understanding of Vision Impairment and Services for Individuals with Visual Impairment	60 minutes/2 times weekly	4/13/98 to 12/11/99	General Education classroom	Vision itinerant teacher

Graduation Notice: (18 months notice required)
Anticipated date of Graduation: 5/99

Notice provided to student and parents on 12/11/97 (month /year) by IEP Team (individual)

Graduation Criteria attached ________ yes __x_____ no

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Behavioral Concerns

What are they?

Sometimes students experience difficulty with behavior. A student may demonstrate inappropriate behavior in school to a point that it interferes with his or her learning or the learning of others.

Why are they important?

The IEP team needs to make specific considerations regarding behavioral issues for students. They must design appropriate interventions and designate needed supports for a student whose behavior impedes his or her learning or the learning of others.

There are primary procedures to follow during the development of the IEP for a student whose behavior is impeding his or her learning or the learning of others. In one instance, the general design of a behavioral program for a student is required to prevent interference with his or her learning and the learning of his or her peers. In more severe cases, a student's behavior creates a situation where he or she faces disciplinary actions requiring removal from the educational setting for more than ten days.

Citation from the law:

> IDEA, Sec. 614(d)(3)
>
> Development of IEP.—
> (A) In general.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—
> (i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and
> (ii) the results of the initial evaluation or most recent evaluation of the child.
> (B) Consideration of special factors.—The IEP Team shall—
> (i) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

How do we address them?

A critical element in designing quality programming for a student, is to realize systematic assessment and program planning are an **ongoing** process. They begin at the time a student is referred as possibly requiring special education programs and services and continue throughout the completion of a follow-up process after special education programs and services have concluded. A concept such as functional behavioral assessment is introduced much earlier in assessing a student's needs and is periodically reviewed throughout his or her program rather than introduced only at the time a significant disciplinary action is pending. Other concepts inherent to solid assessment and programming for the social, emotional and behavioral needs of students should be considered throughout the programming for students experiencing behavioral problems.

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In order to implement the expectations of the behavioral and discipline requirements within the IEP process, the IEP team should be able to:

1. Design, conduct, and document functional behavioral assessments.

   Functional behavioral assessment is assessment that enhances an understanding of the purpose and function of a student's behaviors and subsequently provides information leading to interventions and needed supports. For a student who becomes subject to disciplinary action, a functional behavioral assessment is useful in the development of a behavioral intervention plan within the context of the IEP process. A detailed description of the essential elements of a functional behavioral assessment is found in Appendix B.

   At the initial identification of a student requiring behavioral programming as part of their special education program, the IEP team needs to describe the relationship between the social, emotional, and behavioral needs of the student and the behavioral expectations of the school environment. This description of the **discrepancy** between the student's current social, emotional, and behavioral skills and the behavioral expectations of the school setting, provides significant direction for designing the content of the behavioral plan for the student. The primary goal is the reduction of this discrepancy.

2. Design, conduct, and document behavioral intervention plans.

   A behavioral intervention plan is generally defined as a written, specific, purposeful, and organized plan which describes positive behavioral interventions and other strategies that will be implemented to address goals for a student's social, emotional, and behavioral development. In addition, for students whose behavior prompts disciplinary action by the school, the behavioral intervention plan addresses the behavior(s) of concern that led to conducting a functional behavioral assessment.

   The behavioral intervention plan needs to be designed during the IEP meeting. Essential Elements of a Behavioral Intervention Plan are found in Appendix B of this guidebook.

3. Review and determine adequacy of behavioral intervention plans.

   As the student's progress is being evaluated on his or her goals throughout the school year, the behavior intervention plan should be monitored to ensure it continues to meet the needs of the student.

4. Additional considerations that become relevant with more serious behavioral concerns:

   - Prepare a data collection system to substantiate dangerous behavioral situations.
   - Generate possible sites and adequacy of alternative educational settings.
   - Implement strategies to assess such areas as student's "understanding impact and consequences of behavior" and "ability to control behavior" (manifestation determination; a more complete definition is found in the Discipline section of this guidebook).

- ◊ Establish relationships with other agencies that are part of the student's plan.

How do we know we are doing it right?

- ◊ Multiple sources of information are used to identify and specify the social, emotional, and behavioral needs of the student.
- ◊ Strategies are in place to increase positive behaviors and decrease negative behaviors.
- ◊ Crisis intervention strategies are part of the program.
- ◊ Interventions are identified as a part of the program for teaching new, replacement behaviors for the behaviors determined to be unacceptable.
- ◊ Strategies are in place for the generalization and maintenance of such behaviors.
- ◊ Strategies have been provided in the current setting to meet the special education needs of the student.
- ◊ The impacts interventions have had on the student's behavior are identified.
- ◊ The impact of the student's behavior on his or her peers is identified.
- ◊ The support and related services needed for the student are identified.
- ◊ The behaviors the student will need to display or change in order to be in the regular education classroom are identified.

Discipline Procedures

What are they?

There are times when even carefully designed programs are not enough to adequately meet the social, emotional, and behavioral needs of a student. Sometimes it is necessary to take measures to protect the interests of a student and the interests of other students and school personnel by taking disciplinary action. In such instances there are alternatives. These alternatives recognize that some students require a more comprehensive and intense program than what is normally provided in an integrated school setting.

Why is it important?

IEP teams are responsible for making programming decisions for students with disabilities facing disciplinary action. The IEP team is particularly responsible for students suspended for more than ten days. The IEP team must determine possible alternative educational settings, make a manifestation determination, conduct a functional behavioral assessment, design a behavioral intervention plan and demonstrate various other behavioral programming competencies.

Due to the length of the citation from the law, IDEA Sec. 615(k) is located in Appendix B.

How do we do it?

A critical element in designing quality programming for a student is to realize systematic assessment and program planning are an **ongoing** process. They begin at the time a student is referred as possibly requiring special education programs and services and continue throughout the completion of a follow-up process after special education programs and services have concluded. A concept such as functional behavioral assessment is introduced much earlier in assessing a student's needs and is periodically reviewed throughout his or her program rather than introduced only at the time a significant disciplinary action is pending. Other concepts inherent to solid assessment and programming for the social, emotional and behavioral needs of students should be considered throughout the programming for students experiencing behavioral problems.

There are primary procedures to follow during the development of the IEP for a student experiencing behavioral needs. In one instance, the general design of a behavioral intervention plan for a student is required to prevent interference with his or her learning or the learning of his or her peers. In more severe cases, a student's behavior creates a situation where he or she faces disciplinary actions requiring removal from the general educational setting for more than ten days.

In order to implement the expectations of the behavioral and discipline requirements within the IEP process, IEP teams should be able to:

1. Design, conduct, and document functional behavioral assessments.

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2. Design, conduct, and document behavioral intervention plans.

3. Review and determine adequacy of behavioral intervention plans.

4. Prepare data collection to substantiate dangerous behavioral situations.

5. Substantiate appropriateness of placements/interventions.

6. Establish role of supplementary aids and services.

7. Generate possible sites and adequacy of alternative educational settings.

8. Implement strategies to assess such areas as student's "understanding impact and consequences of behavior" and "ability to control behavior" (manifestation determination).

9. Participate in screening of the student facing discipline actions who may "not yet be eligible" for special education.

10. Establish relationships with other agencies including law enforcement and courts.

When a student is facing disciplinary actions requiring his or her removal from the educational setting for more than ten days, the following considerations need to be addressed during the development of the IEP. Although the legal requirements state such procedures must take place if a student is removed for 10 days or more, it is good practice to consider these issues at the point any student is facing exclusion from his or her special education service or program because of unacceptable behavior.

Manifestation Determination:

Manifestation determination refers to the overall process used to describe the relationship between the social, emotional, and behavioral needs of the student and the behavioral expectations of the school environment. The manifestation determination may largely be a functional description of the **discrepancy** between the student's current social, emotional, and behavioral skills and the behavioral expectations of the school setting.

As in the identification of behavioral concerns, a manifestation determination must be made, but in this instance its purpose is to analyze data in order to substantiate whether:

1. In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids, and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;

2. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

3. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

Alternative Educational Setting

Another consideration is the use of alternative educational settings. An alternative educational setting is defined as a setting outside of the comprehensive school setting that has been determined to be necessary and appropriate in order for a student with disabilities to have their behavioral and academic needs met. The potential use of an alternative educational setting may first appear at the time a student is identified for special education. Alternative educational settings or off-campus options should only be considered when such a setting is required in order for the student to receive an appropriate education.

When this setting is used for a student under the disciplinary provisions of IDEA 97, criteria must be met to enable the student to continue to participate in the general curriculum, although in another setting. Services and modifications described in the student's IEP must continue to be provided in the alternative setting. In addition, services and modifications must be designed to address the behavior(s) of concern.

Any alternative setting should provide the program components described for a behavioral intervention plan in the Appendix. In addition, the provision of an appropriate program as specified above should be provided. It is also recommended that the criteria delineated above for these settings, used in the case of disciplinary matters, be adopted for any use of alternative educational settings.

IDEA 97 provisions in the discipline area also specify circumstances under which a student can be moved to a 45 day alternative educational setting. In the case of defined drugs or weapons, school personnel have the authority to make such a placement. In the case of potentially injurious behavior, a Hearing Officer can make such a placement if he or she:

1. Determines the public agency has demonstrated by substantial evidence that maintaining the current placement of the student is likely to result in injury to the student or others,
2. Considers the appropriateness of the student's current placement,
3. Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and,
4. Determines the requirements for the interim alternative educational setting (as described above) are met.

Functional Behavioral Assessment and Behavioral Intervention Plan

The following must occur either before, or no later than 10 days after, disciplinary action has been taken:

1) If a child has not received a functional behavioral assessment and there is no behavioral intervention plan in place, the agency must convene an IEP meeting to develop an assessment plan to address the behavior.

2) If a child has received a functional behavioral assessment and a behavioral intervention plan is in place, the IEP team reviews the plan and modifies it as necessary to address the behavior.

Functional behavioral assessment is assessment that enhances an understanding of the purpose and function of a student's behaviors and subsequently provides information leading to interventions and needed supports.

A behavioral intervention plan is generally defined as a written, specific, purposeful, and organized plan which describes positive behavioral interventions and other strategies that will be implemented to address goals for a student's social, emotional, and behavioral development. In addition, for students whose behavior prompts disciplinary action by the school, the behavioral intervention plan addresses the behavior(s) of concern that led to conducting a functional behavioral assessment.

How do we know we are doing it right?

- ◊ Multiple sources of information are used to identify and specify the social, emotional, and behavioral needs of the student.
- ◊ The record clearly demonstrate how data from functional assessment have been used in the decision making process.
- ◊ A behavior intervention plan is in place to increase positive behaviors and decrease negative behaviors.
- ◊ Crisis intervention strategies are part of the behavior intervention plan.
- ◊ The behavior intervention plan identifies new, replacement behaviors for the behaviors determined to be unacceptable.
- ◊ The behavior intervention plan identifies strategies for the generalization and maintenance of behaviors.
- ◊ The behavior intervention plan identifies the time requirements needed to implement interventions and the setting.
- ◊ The behavior intervention plan identifies the need for services provided by agencies beyond the school.

Assistive Technology

What is it?

Assistive technology enables children with disabilities to participate more fully in all aspects of life (home, school, and community) and helps them access their right to a "free, appropriate, public education" in the "least restrictive environment."

An assistive technology device is defined as:

> IDEA, Title 34 CFR, Sec. 300.5
>
> any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

An assistive technology service on the other hand, is defined as:

> IDEA, Title 34 CFR, Sec. 300.6
>
> any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Specifically this service includes:
>
> 1. Evaluation of the technology needs of the individual, including a functional evaluation which takes into account all of the environments within which the individual functions.
>
> 2. Loaning or leasing, writing prescriptions for third party insurance or Title XIX payment in conjunction with the individuals physician, or direct purchase of assistive technology devices for individuals with disabilities.
>
> 3. Selecting, designing, fitting/customizing, adapting, applying/maintaining, repairing, or replacing of assistive technology devices.
>
> 4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs.
>
> 5. Assistive technology training and technical assistance with assistive technology for an individual with a disability, or, where appropriate, the family of an individual with disabilities.
>
> 6. Training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or otherwise are substantially involved in the major life functions of individuals with diabilities.

Why is it important?

Assistive technology increases a student's opportunities for education, social interactions, and potential for meaningful employment. It also supports a student's participation in learning experiences in the least restrictive environment. Assistive technology needs to be regarded as a tool to help the student benefit from general education curriculum and access extracurricular activities, and home, school and work environments.

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The law states:

> IDEA, Sec. 612 (a)(1)
>
> 1. Assistive technology devices and/or services essential for a student to receive Free, Appropriate, Public Education (FAPE) shall be available
>
> IDEA, Sec. 612(a)(5)
>
> 2. Assistive technology shall support a student's participation in learning experiences in the Least Restrictive Environment (LRE).
>
> IDEA, Title 34 CFR, Sec. 300.308
>
> C. Each public agency shall ensure that assistive technology devices or assistive technology services, or both...are made available to a child with a disability if required as part of the child's
> 1. special education
> 2. related services,
> 3. supplementary aids and services.

In addition:

◊ A child's need for assistive technology must be determined on a case-by-case basis and could be special education, related services or supplementary aids and services for children with handicaps who are educated in regular classes.

◊ A district must provide a device for use at home if necessary for FAPE. The district is obligated to implement the IEP, regardless of school board objections. Use of the assistive technology device or service in other settings outside school must be made on an individual basis.

◊ A school may access alternative funding sources to defray costs of assistive technology devices and services. Schools may not compel parents to file an insurance claim and may not condition provision of equipment or services on filing or approval of a claim.

How do we do it?

The following written process addresses primary questions related to assistive technology. Please see Appendix B for a flowchart that addresses the primary questions and a list of items considered under the definition of "assistive technology."

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1. What is it we want the student to be able to do within the educational program, that he or she isn't able to do because of his or her disability?

The question is: *"What daily educational tasks or activities is the student not able to do or participate in because of his or her disability?"*

The team needs to consider carefully what they want the student to be able to do within the educational program, that he or she isn't able to do because of the identified disability. Then ask the question, "Would assistive technology of some kind enable the student to meet the goal?"

The team should answer this question specifically, keeping short term as well as long term goals in mind.

Areas to consider include, but are not necessarily limited to:
- ◊ Handwriting
- ◊ Spelling
- ◊ Reading

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- ◊ Math
- ◊ Written expression
- ◊ Daily organization
- ◊ Communication
- ◊ Mobility
- ◊ Recreation
- ◊ Seating/positioning
- ◊ Seeing
- ◊ Selfcare
- ◊ Levels of independence
- ◊ Cognitive processing

Proceed to Step #2.

2. What has been tried to meet the student's special education needs?

Once the area of educational need(s) has been identified the team needs to take a look at what has been tried in order to address the need(s) of the student. This may include a variety of interventions achieved through strategies or modifications not typically considered "assistive technology." These may be low-tech in nature or there may be high-tech assistive technology devices in place.

Example: A student with a learning disability, unable to memorize multiplication facts, may use a multiplication table. The multiplication table could be identified as a supplementary aid in the general education environment. An assistive technology device, such as a calculator (identified as a low-tech device) could also be used to meet the student's need.

Proceed to Step #3.

3. Is it working?

After identifying the strategies, modifications and devices in place to meet the educational need, determine if they are effective. Is the strategy, modification and/or device meeting the student's specific need, in the environments he or she needs to complete the task, to the level of desired independence, providing the student with the least restrictive environment (LRE) where he or she is able to receive FAPE?

Proceed to Step #4 & #5 or #6.

4. & 5. Is it working? YES. Provide documentation and evidence to support this conclusion.

If the team agrees the specified educational needs are being met, within the LRE, and the student's programming is appropriate with the strategies, modifications and/or devices in place, to the level of independence desired, there should be evidence to support the effectiveness and appropriateness of the interventions.

The evidence may be in the form of:

- ◊ Work samples
- ◊ Classroom tests
- ◊ Formal testing
- ◊ Recorded observations
- ◊ Video taping
- ◊ Any other form appropriate to the student and his or her needs

Evidence should be provided by anyone involved in the student's education, from home or school. The use of successful interventions should be documented within the IEP as part of the Present Levels of Performance (PLEP), within goal statements, as components of the objective, or as related services.

Proceed to Step #13.

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6. Is it working? NO.

If the team agrees a specific educational need is not being met with present interventions, they should proceed to Step #7.

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7. What was tried? How long was it tried? How was it tried? What were the results?

What was the strategy, device, or modification that was tried? If there was more than one, deal with each one separately.

Give the time frame or time period the strategy, device or modification was tried. Indicate if there were any "breaks" in service that may have affected the outcome or progress.

Provide information and descriptions about how each strategy, modification or device was used and indicate the initially anticipated outcome. If there were specific procedures, devices or assigned responsibilities, these should be indicated.

Actual outcomes or results should be noted. Indicate what did not work and what did work. Are there implications regarding further strategies or modifications or devices that should be considered to achieve the student's goals?

Information and/or data collected from this step should be used in considering alternative interventions. It is helpful to be as specific as possible about what did and did not work, and what may have been procedurally ineffective, device-specific ineffective or individually ineffective.

Proceed to Step #8.

---

8. Do we as a collaborative team have the necessary knowledge and resources to continue to try and meet the student's special education need(s)?

After efforts have been made to attempt modifications, apply strategies, and/or use assistive services or devices, and it is apparent the IEP team's efforts are not affecting the desired change, determine a course of action.

By asking this question, you can determine whether or not you can continue to brainstorm and come up with strategies on your own, whether there are more resources that can be tapped, or whether it is time to consider advice or assistance from an outside source.

The next step is to either seek additional assistance or continue working as a team through the consideration process.

Proceed to Step #9 or Step #11.

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9. Do we have the necessary knowledge and resources? NO.

Proceed to Step #10.

10. Seek additional assistance.

At this point, the IEP team may consider completing a referral to the Area Education Agency Assistive Technology Team (AEA AT-Team).

The AEA AT-Team is only one resource available. There may be other resources within the school building or school district, or other agencies, local or otherwise, the IEP team may want to use.

The IEP team is not expected to know everything about every possible assistive technology service or device. Individual variables in the system as well as the background disciplines of the team members will impact the decision at this point. There are varying degrees of training, experience, and accessibility to devices which may limit the capabilities of an IEP team in relation to the needs of a specific child.

As a result of referral, questions will be brought to the attention of the AT-Team and appropriate contact will be made for recommendations to the IEP team.

As a result of information provided by your source of additional assistance, proceed to Step #12.

11. Do we have the necessary knowledge and resources? YES.

If the team agrees they have not exhausted their own knowledge base and resources, they need to develop a plan of action to meet the specific need(s) of the student. Based on what has been tried, they need to decide on alternative intervention strategies, service or devices, or modifications to interventions already in place.

Proceed to step #12.

12. What will be tried?

Given the specific educational needs of the child, the team needs to address the following questions regarding the assistive technology device:

- ◊ Under what conditions will it be tried?
- ◊ In what environment(s) will it be tried?
- ◊ How long will it be tried?
- ◊ What is the criteria for determining whether or not the need is being met?

Based on the discussion of previous outcomes, develop an action plan and incorporate it into the IEP as documentation of consideration for assistive technology that will be acted upon to meet the appropriate educational needs of the student, in the LRE.

The documentation of assistive technology may be incorporated anywhere within the IEP, however there are three places in the IEP where assistive technology commonly appears:

1) In the annual goals and short-term objectives/ major milestones.

2) In the enumeration of supplementary aids and services necessary to maintain the student in the LRE.

NOTE: Assistive technology is necessary as a supplementary aid if its presence (along with other necessary aids) supports the student sufficiently to maintain the placement, and its absence requires the student's removal to a more restrictive setting. For example ~~ If a student with multiple physical disabilities can make independent, educational progress on his or her IEP goals in the regular classroom with the use of a computer and an augmentative communication device and cannot make such progress in that setting without the devices, then those devices are necessary supplementary aids.

3) In the list of related services necessary for the student to benefit from his or her education.

The following is a list of possible related services:

- Transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology, psychological services, physical and occupational therapy;
- Recreation, including therapeutic recreation and social work services; and
- Medical counseling services, including rehabilitation counseling.

Assistive technology needs for each student will vary. The criteria will also be unique to each student, depending on the desired goal. The goal for each student should consider:

- Increased independence
- Task mastery
- Rate at which a task is accomplished
- Stamina to accomplish task(s)
- Accuracy
- Attentiveness
- Increased interactions
- Other child-specific criteria

As with any IEP consideration, goals related to assistive technology depend on the individual needs of the student and must be determined on a case by case basis. The service or device is related to, or integrated into the goal or short-term objectives, but it is the student's need, not service or device limitation that drives the decisions.

Proceed to Step #13.

---

13. Consideration is an ONGOING PROCESS. Change in environment, change in student skill level or needs, and new technology may influence the process.

It is important to remember that considering assistive technology and evaluating its role in the educational program of a student is an ongoing process.

While there may be a beginning, there could quite possibly be no end. As the student's environments change, as the tasks required of the student change, and as abilities change, the student's needs will likely change as well.

The process of consideration is required to be a part of every annual IEP review, at minimum.

In best practice, the evaluation process will be ongoing, with those around the student continuing to ask, *"Are the needs being met?"*

How do we know we are doing it right?

The IEP team:

- Considers what they want the student to be able to do within the educational program, that he or she isn't able to do because of his or her disability.
- Documents on the IEP what will be tried and what has been tried to meet the student's special education needs, how long it was tried and the results.
- Documents on the IEP what is working for the student.
- Considers whether they have the necessary knowledge and resources to continue to try and meet the student's special education needs.
- Seeks additional assistance if they determine they do not have the necessary knowledge.
- Considers the students assistive technology needs in an ongoing manner.

Examples of Assistive Technology on the IEP

Assistive technology needs to be integrated throughout the IEP. If services are needed, they should be addressed in all appropriate pieces of the IEP.

1. **Communication**
Preschool/Elementary
Excerpt from PLEP:
.... uses pictures for her communication. One picture is used to communicate an entire message. (example: picture of juice - "I want a drink of juice.") .... is beginning to use some sound combinations with a communicative intent.

Goal:
...., in 36 weeks, will increase communication using a variety of communication modes including sound/word approximations, gestures, picture boards, and voice output; single picture (symbols) will represent whole messages to 50 messages.

Major Milestones:
.... will communicate wants and needs during playtime.
.... will communicate desired snack item during snack time.
.... will call mom/dad or teacher when help is needed.
.... will greet friends in the hallways and in the classroom.

Excerpt- General Education Modification:
.... will communicate with an 8-square voice output device. When the device is being repaired, ... will use picture communication boards as a back-up.

2. **Listening**
Middle School/High School
Excerpt from PLEP:
.... wears two hearing aids.
... cannot understand teacher directions in science lab classes due to the loud background noises from classmates working.

Goal:
...., in 36 weeks, will follow the teacher's directions in science class using an FM auditory trainer 9/10 times with 100% accuracy.

Major Milestones:
.... will put on and wear the auditory trainer independently during all science labs.
.... will be able to follow the teacher's directions in completing labs with 90% accuracy.

Excerpt- General Education Modification:
.... will use a personal auditory trainer in the classroom.

Limited English Proficiency

What is it?

Students who have limited English proficiency (LEP) are students whose primary language is something other than English.

Why is it important?

The law requires the IEP team to be attentive to cultural and language differences:

> IDEA, Title 34 CFR, Sec. 300.346(a)(2)
>
> (ii) In the case of a child with limited English proficiency, consider the language needs of the child as these needs related to the child's IEP;

In considering cultural differences, it is important to note (Ortiz, 1977):

- Language models of the home may be functional for the home setting but not of the same language status as needed to succeed in the academic or school setting.
- Students with low skills in both language and academics may not have the beginning language base needed to add on daily academic information. Academic difficulties are compounded even more with the structure of classroom expectations. For example, academic information changes hourly with each subject and weekly for subject units.
- Students with a lack of opportunity to learn in relation to their cultural background, education, and poverty will lack learning experiences, demonstrate low vocabulary, content, ideas, and overall descriptive language difficulties.

How do we do it?

How to Evaluate an LEP Student

> **IDEA, Title 34 CFR, Sec. 300.532 Note 1**
>
> **(1) In all direct contact with a child (including evaluation of the child), communication would be in the language normally used by the child and not that of parents, if there is a difference between the two.**

In order to evaluate a student with limited English proficiciency who may have a disability, it is important to first determine the student's primary language and proficiency in English (Ortiz, 1977). The purpose for establishing the student's primary or dominant language is twofold: 1) To determine if the disability is evident in the primary language rather than learning of a second language, English; and 2) If the disability is evident in the student's primary language, then instruction for implementation of the IEP needs to be provided in the student's primary language.

An accurate assessment of the student's language proficiency includes gathering objective information of the

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student's reading, writing, speaking, and understanding skills. Assessment may consist of gathering an array of informal documentation rather than administering a formal battery of published diagnostic tests. Formal diagnostic test publications have the following limitations: specifics to populations selected, the type of normative data collected for populations, and the reduced number of dialects represented for any one primary language.

The actual language assessment should include comparisons of reading writing, speaking, and understanding skills across the student's primary language and secondary language of English. It is important to consider skills across all contexts with the realization language skills may vary from zero to literate depending on the context and the environment expectations. The following considerations should be included in the assessment procedure:

◊ What is the language history of the student? (develop a student portfolio)

◊ What are the literacy merits of the home? (Is language print available? Has the student been read to? etc.)

◊ What language is the student using for interaction? (The language the student uses in most contexts and feels most comfortable using?) (The preferred choice of language used in interacting with peers, family, teachers, or others?) (The language used if excited, afraid, or angry?)

◊ What is the language the student thinks in?

In some situations, there may be no one on the staff of a public agency who is able to administer a test or other evaluation in a student's native language, but an appropriate individual may be available in the surrounding area. A public agency can identify individuals in the surrounding area by contacting neighboring school districts, local universities, and professional organizations. For LEP students in situations where it is clearly not feasible to provide and administer tests in the student's native language or mode of communication, the public agency still needs to obtain and consider accurate and reliable information to enable the agency to make an informed decision as to whether the student has a disability and the effects of the disability on the student's educational needs.

Developing the IEP

In developing an IEP for a student with limited English proficiency, the IEP team must consider the students' level of English language proficiency. As indicated by Ortiz(1997),

> Children must have a high level of linguistic competence in at least one language to be communicatively and academically successful. In the case of limited English proficient students, the native language is the foundation upon which English competence is built.

Ortiz (1997) further suggests second language conversational skills are acquired in one to two years but academic language proficiency is acquired over a longer period of time of five to seven years. Therefore, the IEP team must consider the student's level of English language proficiency to support and strengthen implementation of the IEP goals and benchmarks (short term objectives).

In addition, general education in each school district is required to provide all Limited English Proficiency (LEP) students with alternative primary language services to enable students: 1) to acquire proficiency in English and 2) to provide meaningful access to the content of the general education curriculum. These two concepts also include and are required for all special education and related services students. As Ortiz (1997) explains, "bilingual education programs allow students to stay on grade level as they acquire English language competence." Teaching students in English (the second language being acquired) without first establishing and building on the foundation of the student's primary language, induces pedagogical language problems. Therefore, the LEP student with a disability may require both aspects of 1) the general educational program addressing acquistion of English proficiency as well as; 2) those special education and related services disability needs for the student. The IEP team then must indicate on the IEP, the special education and related services needed, that will be provided in a language other than English.

In order for a student with limited English proficiency to be educated in the most effective way possible, the IEP team needs to address at the very least, the following:

1) Has the dominant language in the home been considered?

☐ yes ☐ no

2) Has the child's primary language of communication been considered?

☐ yes ☐ no

3) Have the cultural values and beliefs of the parents been considered in planning for the child's education?

☐ yes ☐ no

4) Does the instructional plan incorporate a variety of instructional strategies?

☐ yes ☐ no

5) Is there a member of the IEP team who has expertise regarding the student and understands how language develops as well as strategies that can be used when educating a student with English as a second language?

☐ yes ☐ no

6) Does the IEP team have access to assessment data that is accurate and unbiased?

☐ yes ☐ no

7) Does the assessment information use a variety of methods and environments?

☐ yes ☐ no

8) Does the PLEP address both how the student uses his or her native language and how the student uses English?

☐ yes ☐ no

9) Do progress monitoring activities measure progress toward the mastery of English?

☐ yes ☐ no

10) Do the goals delineate in which language they will be addressed and who will be responsible for measuring the outcomes?

☐ yes ☐ no

11) Is there collaboration between general and special education as well as English as a Second Language and bilingual education if appropriate?

☐ yes ☐ no

12) Is an interpreter for the parents and the student present at the IEP meeting?

☐ yes ☐ no

13) Are the IEP team members trained in how to use an interpreter?

☐ yes ☐ no

14) Is the evaluation process that will be used, carefully defined in the native language and in English during the reviews and reevaluations?

☐ yes ☐ no

15) Are the behaviors that are being measured, carefully defined in the native language and in English during the reviews and reevaluations?

☐ yes ☐ no

16) Is the setting that the language is being measured in defined?

☐ yes ☐ no

17) Is the type of language that is being measured defined?

☐ yes ☐ no

Further information can be found in Appendix B regarding:

- ◊ Steps In Developing a Comprehensive Curriculum for Students With Limited English Proficiency
- ◊ What Should Be Considered In Selecting Materials for Bilingual Exceptional Children?

How do we know we are doing it right?

- ◊ The student's communication needs are addressed in the present level of performance on the IEP.
- ◊ Goals are written on the IEP (including adaptation to acculturation and growth) in both the primary and secondary language.
- ◊ Services are identified to meet the instructional needs of the student (i.e., Limited English Proficiency Program, general education instruction, special education and related services, etc.).
- ◊ Student receives special education instruction in his or her predominant language.

Example of an IEP PLEP, Goal, and Short-term Objective for a Student with Limited English Proficiency

Excerpt from PLEP: Teresa is a third grade student who receives ESL and Title support, she is not succeeding in the general education curriculum. Spanish is spoken in the home, but books and TV programs are in English. Mrs. Timmins believes that Teresa's Spanish grammar is good, but her vocabulary is a mixture of Spanish and English, because she cannot always remember the Spanish word. A school associate states that Teresa requests instruction to be given in English. In English, Teresa successfully answered 26 of 50 basic concept questions (questions related to vocabulary used in classroom directions– i.e., over, under, through). In Spanish, Teresa answered only 7 more correctly for a total of 33 of 50 correct. She seems to have difficulty with basic concepts in both Spanish and English. Understanding basic concepts is fundamental to success in mathematics and in general academic progress.

Goal: In 25 weeks, Teresa will increase current use of basic concepts following directions in the classroom setting with 90% accuracy.

Short-term Objectives:

1. Given a paper/pencil task involving selected basic concepts, Teresa will correctly follow a one-step direction, with 90% accuracy.
2. Given a selected basic concept and objects, pictures, etc. Teresa will demonstrate/describe selected basic concepts with 90% accuracy.

Deaf or Hard of Hearing

What is it?

According to Iowa's Rules of Special Education, deafness is defined as a hearing impairment that is so severe the individual is impaired in processing linguistic information through hearing, with or without amplification, and the impairment adversely affects an individual's educational performance. Likewise, hearing impairment is defined as an impairment in hearing, whether permanent or fluctuating, that adversely affects an individual's educational performance but that is not included under the definition of deafness.

Why is it important?

As the IEP team develops an IEP for a student with a hearing disability, they must look closely at how to implement a communication plan for the student that is integrated into the PELP, goals, and objectives and services on the IEP.

The law states:

> IDEA, Title 34 CFR, Sec. 300.346(a)(2)
>
> (iv) consider the communication needs of the child and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

How do we do it?

One way the IEP team can address the creation of a communication plan is to work through the following checklist during the IEP meeting. This communication plan, in checklist form, is designed to meet the letter of the law.

1. The child's communication mode, *receptively*, appears to be:
   - _____ aural-oral (listening, speechreading and speaking)
   - _____ Total communication (including sign lan guage)
   - _____ Other (please explain)

   The child's communication mode, *expressively*, appears to be:
   - _____ aural-oral (listening, speechreading and speaking)
   - _____ Total communication (including sign lan guage)
   - _____ Other (please explain)

Is this mode of communication efficient and sufficient for this child?

_____ yes
_____ no

2. What are the child's language needs? (check all that apply)

    ______ the child's written language is *on* grade level with hearing peers.

    ______ the child's written language is *below* grade level with hearing peers
    How far below? ______________________

    ______ the child's spoken language appears to be *on* grade level with hearing peers
    (child does not utilize sign language)

    ______ the child's spoken language appears to be *below* grade level with hearing peers
    (child does not utilize sign language)
    How far below? ______________________

    ______ the child's signed language appears to be *on* grade level with hearing peers

    ______ the child's signed language appears to be *below* grade level with hearing peers
    How far below? ______________________

    ______ the child's comprehension (auditory or sign language) appears to be *on* grade level with hearing peers

    ______ the child's comprehension (auditory or sign language) appears to be *below* grade level with hearing peers
    How far below? ______________________

What are some strategies that can be used to help the child attain language commensurate with his or her hearing peers?

3. Does the child have opportunities for direct communication with peers in his or her language and communication mode?

    ______ yes Please explain
    ______ no Please explain

4. Does the child have opportunities for direct communication with *professional personnel* in his or her language and communication mode? (Professional personnel includes, but is not limited to: audiologist, educational interpreter, general education teacher, occupational therapist, psychologist, speech language pathologist, social worker, teacher aide, teacher of the hearing impaired, etc.)

    ______ yes, with the following personnel:

    How have presonnel demonstrated proficiency in the child's communication mode?

    ______ no, with the following personnel:

    What is the plan to remediate this issue?

5. The child's academic level is:

    ______ commensurate with hearing peers
    1-2 years below hearing peers
    more than 2 years below hearing peers

If academic level is below hearing peers, please explain. Also include strategies to remediate this situation.

6. Has the IEP team examined the child's full range of needs, including opportunities for direct instruction in his or her language and communication mode?

   Please explain:

7. Have all potential service options, within the LEA as well as those available by contract, been explained during the IEP meeting?

   _____ yes
   _____ no
   If no, why not?

To further assist the IEP team's development of a free, appropriate public education, a checklist *Things to Consider When Planning IEPs for Children Who are Deaf or Hard of Hearing,* can be found in Appendix B of this guidebook. The Federal Register, Deaf Students' Education Services; Policy Guidance, October 1992 also addresses this issue and can be found in Appendix B.

How do we know we are doing it right?

The communication plan:

- ◊ Is addressed by all members of the IEP team.
- ◊ Is completed during the IEP meeting.
- ◊ Provides information regarding the student's mode of communication.
- ◊ Addresses the student's language needs.
- ◊ Addresses the student's communication needs.
- ◊ Addresses the student's academic level.
- ◊ Addresses the student's full range of needs.
- ◊ Describes opportunities for direct communication with peers and professionals.
- ◊ Describes opportunities for direct instruction in the child's language and communication mode.
- ◊ Incorporates all of this information into the development of the IEP.

Blind or Visually Impaired

What is it?

IDEA and Iowa Rules for Special Education define "visual impairment including blindness" as a physical disability, which means an impairment in vision that, even with correction, adversely affects an individual's educational performance. The term includes both partial sight and blindness.

This definition recognizes individuals with visual impairment may vary significantly from one another in regard to their visual abilities. One individual may have no functional vision at all and require learning through the tactual sense including Braille, while another may be able to read and write printed materials with modifications. It is essential an appropriate learning medium be carefully chosen no matter how much functional vision a student displays. Additionally, it is critical to frequently review the status of a student's visual abilities in order to judge if a change of learning medium is needed or will be needed in the future.

Why is it important?

As the IEP for a student with visual impairment is developed, the IEP team must assure the decisions made regarding the student's primary learning mode are integrated into the PLEP, goals and objectives and services for that student. The IEP team must also assure the student's instruction in Braille reading and writing is provided by personnel licensed to teach individuals with visual impairments. The law states the following:

IDEA, Title 34 CFR, Sec. 300.346(a)(2)

(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

IDEA, Title 34 CFR, Sec. 300.532 Note 1 & 2

(1) In all direct contact with a child (including evaluation of the child), communication would be in the language normally used by the child and not that of the parents, if there is a difference between the two.
(2) For individuals with deafness or blindness, or for individuals with no written language, the mode of communication would be that normally used by the individual (such as sign language, Braille, or oral communication).

How do we do it?

In order for a student with visual impairment to be educated in the most effective way possible, the IEP team needs to address the following:

1. Has the student received a functional vision evaluation?

   ☐ yes ☐ no

   ☐ student's vision is so limited a functional vision evaluation would not be appropriate

2. Has the student received a learning media assessment?

☐ yes ☐ no

3. Has the student received a recent clinical low vision assessment?

☐ yes ☐ no

☐ student's vision is so limited a low vision clinical examination is not appropriate

4. Does the student's visual condition indicate:

☐ a progressive loss of vision?
☐ stability at the current level?
☐ unpredictability that will be followed by a possible decrease in vision?
☐ a temporary condition that is expected to improve?

5. Does the student qualify for Braille reading and writing instruction because there is a medically diagnosed expectation of visual deterioration in adolescence or early adulthood?

☐ yes ☐ no

6. Does the student qualify for instruction in a new primary reading and writing medium because a change to a new primary medium is needed before the individual can no longer effectively use the current medium?

☐ yes ☐ no

7. Has the student's IEP team discussed Braille reading and writing for the student?

☐ yes ☐ no

8. Which primary and secondary (if appropriate) learning media has been selected for this student?

	Primary	Secondary
Braille/Tactile	☐	☐
Large Print	☐	☐
Regular Print	☐	☐
Regular Print with an optical device	☐	☐
Closed circuit television	☐	☐
Recorded	☐	☐
Individual is a non-reader	☐	☐

9. Has a written explanation of why the individual is using the selected learning media been provided? If the reasons have not changed since the previous review, a brief summary of the previous reasons may be used.

☐ yes ☐ no

10. Will instruction in Braille reading and writing be provided by a teacher licensed at the appropriate grade level to teach students with visual impairment?

☐ yes ☐ no ☐ not applicable

12. Has the student received an assessment in the following areas of need:

Orientation and Mobility (independent travel) instruction? ☐ yes ☐ no

Skills for acquiring information, including appropriate use of technological devices and services (low and high tech)? ☐ yes ☐ no

Social interaction skills?
☐ yes ☐ no

Transition services needs?
☐ yes ☐ no

Recreation needs?
☐ yes ☐ no

Career Education?
☐ yes ☐ no

Daily living (adaptive skills)?
☐ yes ☐ no

Other skills necessary to enable the individual to learn effectively?
☐ yes ☐ no

A portion of Iowa's Guidelines to Programs Serving Students Who are Blind or Visually Impaired titled Vision Assessment is found in Appendix B of this guidebook.

How do we know we are doing it right?

The IEP:

- Provides information regarding the student's visual condition.
- Addresses the student's Braille/tactile needs.
- Addresses the student's vision needs.
- Describes the student's reading and writing medium.
- Addresses assistive technology and accommodations.

Health Plan or Emergency Health Plan

What is it?

A health plan or emergency health plan is written to outline the student's needs in the areas of confidential special health services. These plans are required anytime there are health concerns and procedures that are part of the student's school day. A health plan or emergency health plan needs to be part of the IEP if there are goals that address the student's needs in relation to their health. Some students receiving special education services have health plans but the health plan is not related to the student's individualized education program. When this is the case, then the health plan is not part of the IEP.

Why is it important?

Iowa Rules of Special Education state:

> **281–41.96(256B) Special health services. Some eligible individuals need special health services to participate in an educational program. These individuals shall receive special health services concomitantly with their educational program.**
>
> **41.96(1)** *Definitions.* The following definitions shall be used in this division, unless the context otherwise requires:
>
> "*Assignment and delegation*" occurs when licensed health personnel, in collaboration with the education team, determine the special health services to be provided and the qualifications of individuals performing the health services. Primary consideration is given to the recommendation of the licensed health personnel. Each designation considers the individual's special health service. The rationale for the designation is documented.
>
> "*Coadministration*" is the eligible individual's participation in the planning, management and implementation of the individual's special health service and demonstration of proficiency to licensed health personnel.
>
> "*Educational program*" includes all school curricular programs and activities both on and off school grounds.
>
> "*Education team*" may include the eligible individual, this individual's parent, administrator, teacher, licensed health personnel, and others involved in the individual's educational program.
>
> "*Health assessment*" is health data collection, observation, analysis, and interpretation relating to the eligible individual's educational program.
>
> "*Health instruction*" is education by licensed health personnel to prepare qualified designated personnel to deliver and perform special health services contained in the eligible individual's health plan. Documentation of education and periodic updates shall be on file at school.
>
> "*Individual health plan*" is the confidential, written, preplanned and ongoing special health service in the educational program. It includes assessment, planning, implementation, documentation, evaluation and a plan for emergencies. The plan is updated as needed and at least annually. Licensed health personnel develop this written plan with the education team.
>
> "*Licensed health personnel*" includes licensed registered nurse, licensed physician, and other licensed health personnel legally authorized to provide special health services and medications.

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"Prescriber" is licensed health personnel legally authorized to prescribe special health services and medications.

"Qualified designated personnel" is a person instructed, supervised and competent in implementing the eligible individual's health plan.

"Special health services" includes, but is not limited to, services for eligible individuals whose health status (stable or unstable) requires:
1. Interpretation or intervention,
2. Administration of health procedures and health care, or
3. Use of a health device to compensate for the reduction or loss of a body function.

"Supervision" is the assessment, delegation, evaluation and documentation of special health services by licensed health personnel. Levels of supervision include situations in which:
1. Licensed health personnel are physically present.
2. Licensed health personnel are available at the same site.
3. Licensed health personnel are available on call.

41.96(2) *Special health services policy.* Each board of a public school or authorities in charge of an accredited nonpublic school shall, in consultation with licensed health personnel, establish policy and guidelines for the provision of confidential special health services in conformity with rules 41.94(256B,34 CFR 300) and 41.96(256B). Such policy and guidelines shall address and contain:

a. Licensed health personnel shall provide special health services under the auspices of the school. Duties of the licensed personnel include:
(1) Participate as a member of the education team.
(2) Provide the health assessment.
(3) Plan, implement and evaluate the written individual health plan.
(4) Plan, implement and evaluate special emergency health services.
(5) Serve as liaison and encourage participation and communication with health service agencies and individuals providing health care.
(6) Provide health consultation, counseling and instruction with the eligible individual, the individual's parent and the staff in cooperation and conjunction with the prescriber.
(7) Maintain a record of special health services. The documentation includes the eligible individual's name, special health service, prescriber or person authorizing, date and time, signature and title of the person providing the special health service and any unusual circumstances in the provision of such services.
(8) Report unusual circumstances to the parent, school administration, and prescriber.
(9) Assign and delegate to, instruct, provide technical assistance and supervise qualified designated personnel.
(10) Update knowledge and skills to meet special health service needs.

b. Prior to the provision of special health services the following shall be on file:
(1) Written statement by the prescriber detailing the specific method and schedule of the special health service, when indicated.
(2) Written statement by the individual's parent requesting the provision of the special health service.
(3) Written report of the preplanning staffing or meeting of the education team.
(4) Written individual health plan available in the health record and integrated into the IEP or IFSP.

c. Licensed health personnel, in collaboration with the education team, shall determine the special health services to be provided and the qualifications of individuals performing the special health services. The documented rationale shall include the following:
(1) Analysis and interpretation of the special health service needs, health status stability, complexity of the

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service, predictability of the service outcome and risk of improperly performed service.
(2) Determination that the special health service, task, procedure or function is part of the person's job description.
(3) Determination of the assignment and delegation based on the individual's needs.
(4) Review of the designated person's competency.
(5) Determination of initial and ongoing level of supervision required to ensure quality services.

d. Licensed health personnel shall supervise the special health services, define the level of supervision and document the supervision.

e. Licensed health personnel shall instruct qualified designated personnel to deliver and perform special health services contained in the eligible individual health plan. Documentation of instruction and periodic updates shall be on file at school.

f. Parent shall provide the usual equipment, supplies and necessary maintenance for such. The equipment shall be stored in a secure area. The personnel responsibile for the equipment shall be designated in the individual health plan.

How do we do it?

The Individual Health Plan (IHP) and Individual Emergency Health Plan (IEHP)[1] often include specific procedures and actions related to health provider behaviors and are not considered part of the Individualized Education Program (IEP). Selected items from the IHP and/or IEHP may be integrated into the IEP, but the entire IHP and/or IEHP is not a part of the individual's IEP in special education.

Licensed health personnel develop the written IHP and/or IEHP with the IEP team[2] that consists of the individual, parents, administrator, teacher, licensed health personnel, and others involved in the individual's IEP. The IEP includes a statement indicating the existence and location of the written IHP and/or IEHP. The notation may be included in the IEP section addressing 'Special Education Support and Related Services'. The notation must include the specific service, amount of time, duration, and position responsible for health services, supports, and accommodations[3]. Examples: "school nurse services two hours weekly, August-June, provided by school nurse; and health associate services, 4 hours weekly, August-June, provided by health associate." A statement indicating the location of the IHP and/or IEHP must be included (e.g., that it is located in the special education file and/or the individual's health file). The justification for the support and related service must also be noted; for example, that to attend school, the individual needs assistance with urinary catheterization.

When the IHP and/or IEHP include procedures directly related to an individual's IEP goals and objectives, they may be integrated into the IEP; e.g., the IHP may include urinary catheterization procedures while the individual's IEP includes a goal and objectives for learning self-catheterization.

[1] Iowa Administrative Code 281–41.96(1) "Individual health plan"
[2] Iowa Administrative Code 281–41.96(1) "Education team"
[3] Hendrickson, JM (Ed.). Iowa IEP Resource Manual (Field Edition). (1992, January). Appendix C, pp. 5. Des Moines: Iowa Department of Education and Mountain Plains Regional Resource Center.

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How do we know we are doing it right?

- ◊ Student's health needs are addressed in the present level of performance on the IEP.
- ◊ Goals are written on the IEP for health needs.
- ◊ Services are identified to meet the student's health needs.
- ◊ Services are provided to meet the student's needs in the area of health.

Examples of an Emergency Health Plan form and an Individual Health Plan form can be found in Appendix B.

Developing the IEP—Putting the Pieces Together

Developing the IEP: Putting the Pieces Together

It is critical in the development of the IEP that the student's strengths are aligned with the needs of the student and the concerns of the parents. If a concern of the parents or a need of the student is identified, then the strength of the student can be built upon to address the need. The evaluation information must also address the student's needs and provide baseline information so the IEP team knows how the student is functioning in the general education curriculum. The IEP team must develop goals with major milestones or short-term objectives and a progress monitoring system that demonstrates whether the goals are being achieved. The special education and related services, supplementary aids and services, and the accommodations and modifications must reflect the student's needs in order to ensure he or she receives educational benefit.

All of these pieces fit together like a puzzle, if any one piece is missing the IEP team will have an incomplete picture of a student's educational program. When all of the pieces are put together, the complete picture will assist the student to progress in the general education curriculum and will meet his or her individual needs.

Least Restrictive Environment

What is it?

The Least Restrictive Environment (LRE) is the educational environment providing the greatest exposure to and interaction with general education students and persons without disabilities; and LRE enables a student with a disability to receive an appropriate education. It is grounded in the idea that the general education environment is appropriate for educating all students. It is also expected the entitled individual may need special assistance in the general education setting. The LRE decision is based on:

- ◊ the specific needs of the individual;
- ◊ whether the entitled individual may need individualized assistance in the general education setting; and
- ◊ a review of the continuum of services.

The general education environment includes the general education curriculum, instruction, academic opportunities and settings that nondisabled students experience, as well as the nonacademic and extracurricular activities in which nondisabled students participate. Examples of the general education environment for school age students include:

- ◊ classroom settings in elementary and secondary schools;
- ◊ general education curriculum and instruction provided to nondisabled students;
- ◊ school sponsored field trips, assemblies, and performances;
- ◊ any activity made available by an agency to all students; and
- ◊ non-academic and extracurricular services and activities, e.g., meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district.

The general education environment for preschool children who require special education includes the settings where activities, instruction, and remediation naturally occur for children of similar age without disabilities. Depending on the age of the child and options in a particular community, the home environment may be the least restrictive. Examples of the general education environment for early childhood age individuals include:

- ◊ the family home;
- ◊ family child care home settings;
- ◊ early childhood center based programs by the LEA or other agency;
- ◊ community based early childhood centers;
- ◊ activities in various community centers e.g., swimming lessons, library story hour sponsored by a community agency, etc.; and
- ◊ participation in the general education early childhood setting in an elementary school.

Why is it important?

Provision of services in the least restrictive environment makes a difference in the life of a student. While LRE is individualized for every student, there are studies to support the benefits of LRE decisions. Brinker and Thorpe's study (as cited in Stainback & Stainback, 1994) reported that "students labeled severely retarded learn more of their IEP objectives in integrated settings"(p. 29). Additionally, Strain (as cited in Stainback & Stainback, 1994) discovered that "students labeled autistic generalized newly acquired social behaviors considerably better in integrated settings than in a segregated one" (p.29). Also consider that, "In integrated classrooms all children are enriched by having the opportunity to learn from one another, grow to care for one another, and gain the attitudes, skills, and values necessary for our communities to support the inclusion of all citizens" as stated by Vandercook, Fleetham, Sinclair, and Tettie (as cited in Stainback & Stainback, 1994, p. 30). LRE as a concept in general, helps to foster a positive approach to educating children with special education needs.

In addition, LRE is supported by the newly reauthorized IDEA 1997:

> IDEA, Sec. 614(d)(1)(A)
>
> **(iv) an explanation of the extent, if any to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iiii) [extracurricular and nonacademic activities]. [Section 614(d)(1)(A)(iv)]**

The Code of Federal Regulations supports LRE:

> IDEA, Title 34 CFR, Sec. 300,550
>
> (b)(1)Each public agency shall ensure—
> ...that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled...
> (b)(2)Each public agency shall ensure—
> ...that special classes, separate schools, or other removal of children with disabilities from the regular education evironment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily...

LRE is also supported by numerous court decisions. School districts are responsible for providing a free, appropriate public education for each child. For children, birth to 21, who require special education, the appropriate educational environment is determined by and based on the individual needs of the child and must address the requirements described as the least restrictive environment. The IEP team may determine a student cannot be educated satisfactorily in the general education classroom, even when supplementary aids and services are provided. However, LEAs must work with the public agency to ensure a "continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services" (34 CFR Sec. 300.551(a)). Examples of special education, instructional, support and related services for early childhood and school age children are found in Appendix C.

The U.S. Department of Education requires each state to provide information related to the implementation of the Free Appropriate Public Education requirement contained in the IDEA and specifically LRE information. The question to be asked for each student is:

> What percent of time (school day, excluding lunch period) is the child removed from the general education environment (classroom) to be provided Special Education (Instructional & Related and/or Support) Services?

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For preschoolers, the question is phrased:

> What percent of time (excluding lunch period) is the child removed from the environment where the child would be with nondisabled peers to be provided Special Education (Instructional & Related and/or Support) Services?

How do we do it?

The IEP team begins the LRE discussion with the assumption the general education environment is appropriate for educating all students. This discussion includes a review of the appropriateness and educational benefit of each service and setting for the student. There are times when a theoretically less restrictive environment is not educationally appropriate for a given student in either an academic or nonacademic area, and/or both.

The IEP team also needs to consider information about the experiences of the nondisabled student in academic and nonacademic environments and extracurricular activities, and the team assists in the planning and decision-making process. The IEP team's consideration should include the following:

Learner characteristics

- ◊ rate of skill acquisition;
- ◊ overall functioning level;
- ◊ need for social interaction and leisure skills;
- ◊ need for limited distractions;
- ◊ behavioral characteristics; and
- ◊ special health or safety needs.

Characteristics of the general education environment

- ◊ content of general education curriculum;
- ◊ structure of the general education classroom setting;
- ◊ balance of general education content areas with functional, social, and community skills training; and
- ◊ structure of non-academic and extracurricular activities.

The IEP team must also consider and document answers to the following five questions:

1) In the student's educational environment, what accommodations, modifications, and adaptations does the individual require to be successful?

2) If any of these accommodations, modifications, and adaptations can not be provided within the general education environment, explain why not.

3) How will participation in the general education environment impact the student?

4) How will the student's participation in the general education environment impact other students?

5) What specific/systemic supports are needed to assist the teacher and other personnel to provide these accommodations, modifications, and adaptations? (Describe them.)

The IEP team then discusses the services required to address the student's needs and the settings where these services will be provided. The IEP team is responsible for ensuring:

- The determination of LRE includes the continuum of supplementary aids and services which focus on teaching strategies, curriculum, peers' "behavior" and classroom arrangement.
- Assistance is available to educators allowing students with disabilities to be educated with their nondisabled peers.
- All areas of special education and support/related services are considered.
- All LRE decisions are documented on the IEP form.
- LRE is considered at least annually. However, an individual student's needs may change and need to be reconsidered more frequently by the IEP team.
- The IEP includes an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education settings and in extracurricular and nonacademic activities.
- The LRE is determined with consideration of any potentially harmful effect on the student, the student's peers, and the quality of services that he or she needs.

LRE questions specific to special schools also must be answered:

- What are the reasons the entitled individual cannot be provided an educational program in an integrated school setting?
- What supplementary aids and services are needed to support the entitled individual in the special education program?
- What can't these aids and services be provided in an integrated setting?
- What is the continuum of services available for the entitled individual?

How do we know we are doing it right?

- To the maximum extent appropriate students with disabilities are educated with nondisabled peers.
- Unless the IEP requires some other arrangement, the student is educated in the school he or she would attend if not disabled.
- Removal from the general education environment occurs only when the nature or severity of disability is such that education in general education classes with use of supplementary aids and services cannot be achieved satisfactorily.
- The preferred location for special education services is the school that a student with a disability would normally attend.
- If the IEP requires placement somewhere other than the school the student would attend if not disabled, the placement is as close as possible to the student's home.
- LRE does not limit the student's ability to access needed supports and interventions.
- LRE is not related to funding issues.
- The IEP team documents on the IEP, the percent of time the child is not in general education.

Present Level of Educational Performance

What is it?

The Present Level of Educational Performance (PLEP) is a summary describing the student's current achievement in the areas of need as determined by an evaluation. It specifically addresses the student's strengths, effective teaching approaches, and interventions to enable student success. It explains the needs of the student and states how the student's disability affects his or her involvement and progress in the general curriculum. The PLEP contains current specific, measurable, objective baseline information, for each area of need affected by the disability. In addition, it links the evaluation results, the expectations of the general curriculum and the goals for the student. For preschool children, the PLEP describes how the disability affects the child's participation in age appropriate activities. The PLEP also addresses the student's transition needs in the areas of instruction, employment and post-school adult living, community services, and related services at least by age 16.

According to the law:

IDEA, Title 34 CFR, Sec. 300.347(a)

(i) a statement of the child's present levels of educational performance, including —
(ii) how the child's disability affects the child's involvement and progress in the general curriculum; or
(iii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

Why is it important?

The statement of the present level of educational performance is important because it enables families, students, and educators to monitor student progress in the general curriculum. It summarizes and translates evaluation results into clear, understandable language. It identifies and prioritizes the specific needs of the student. Every goal must relate to a need identified in the PLEP. The evaluation of the student's progress toward those goals must be linked to intervention planning. The PLEP additionally guides the modification and delivery of curriculum on an individual basis. Developing the PLEP collaboratively assures the involvement of the family, student, and educators in planning for the student's education.

How do we do it?

The purpose of the PLEP is to identify a student's needs and establish a baseline from which to develop meaningful and measurable goals. The PLEP should:

- ◊ be stated in terms that are specific, measurable, and objective;

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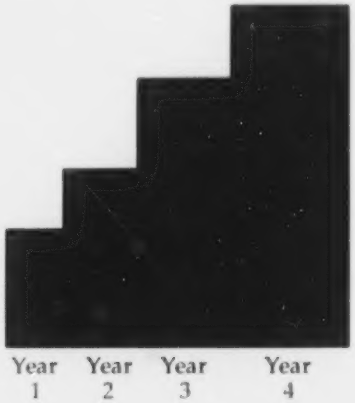
- describe current performance, not past performance;
- describe the student's performance in general curriculum;
- prioritize and identify needs that will be written as goals; and
- provide baseline information for each need.

In order to develop a meaningful PLEP and prioritize student needs, the IEP team considers the following variety of factors:

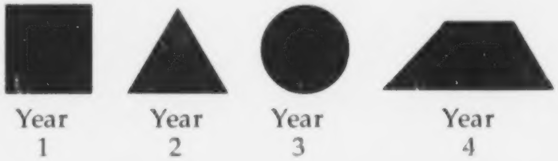
Interventions and progress on current IEP.

As the child receives special education services, or as a school completes a general education intervention, greater information will be gathered about what approaches are effective in assisting the child to master learning tasks. Each year begins with the advantage of knowing what previous educators have learned. When shown in picture form, it is easy to see the knowledge grows not only in depth, but in breadth:



It is only when we know ***how the learner learns*** and the supports needed to enhance learning, that we can effectively provide an appropriate educational opportunity.

This approach is in contrast to the perception that each educational intervention is a discrete event and should be considered on its own. If each educational intervention is considered separately and not as a part of the whole experience of a child, it makes it next to impossible to use the information as an addition to the information already gathered. Considering intervention separately would make the picture look more like this:



The IEP team should use the "cumulative information" approach as they determine a student's need for special education services which will assist them in writing the PLEP. The IEP should reflect the information the IEP team has learned regarding student strengths, and the most recent evaluation results that are educationally relevant.

To accomplish this, the IEP team needs information about previous learning rates, instructional methods used, and the effect of interventions. If past achievement rates are very low but instruction (i.e., group size, reinforcement, feedback, pacing) was never modified, it will be difficult to set progress expectations. Information from parents and school records about factors outside of school are also important. The IEP team must be aware that there is considerable risk in setting expectations too low. Previous failures to learn should not be taken as evidence the student is unable to learn.

This process continues as a student receives assistance through special education. It is important IEP teams, answer the following questions:

- ◊ What do we still need to learn about how the student learns, acquires knowledge and responds to learning challenges?
- ◊ What instructional arrangements and teaching strategies have been demonstrated to accelerate learning? Likewise, what has thwarted learning?
- ◊ How should the student advocate for his or her own learning?

As the IEP team addresses identified needs they need to document what they have learned that will support and enhance the student's learning and document his or her strengths in areas of need.

Consider evaluation results.

The PLEP only addresses areas affected by the student's disability. The main purpose of the PLEP is to serve as a bridge between the evaluation process and the annual goals written for the student.

The IEP team needs accurate, detailed information about present levels of educational performance, both strengths, needs, and progress in the general curriculum in the affected areas so they can select appropriate goals. Assessment information that is curriculum-based facilitates the selection of goals relevant to classroom instruction.

Evaluation results must provide relevant, practical information that will help the IEP team develop the student's educational program. Evaluation information contained in the PLEP provides baseline information that assists with goal writing and also helps to identify the specific skills the goals need to address. The evaluation results provide information about the student's learning characteristics and strengths.

The IEP team must establish the priority needs that will receive attention in the IEP. These needs must be meaningful. These needs must also be measurable; which is defined as specific, observable and able to be altered. Baseline information must be identified in order to write a goal and determine progress.

Address progress in general curriculum.

The general curriculum is defined as the curriculum adopted by a local school district (CFR 34 Sec. 300.12). It refers to the standards and expectations set by local districts that all students should attain and the district has identified to measure the district's success. It is not materials, instructional methodology, or the setting in which instruction is delivered. There are not multiple curricula in a district such as a general education curriculum and a special education curriculum. There is one curriculum that is adopted and supported for all students in a school district.

The IEP for all students with disabilities must address how each student will be involved and progress in the general curriculum, just as the PLEP for all students with disabilities should, if possible, reflect the needs of the student in relationship to the general curriculum. IDEA regulations recognize that some children will have some educational needs that result from their disabilities that cannot be fully met by involvement and progress in the general curriculum. The IEP team must make an individualized determination regarding how a student will participate in the general curriculum, and what, if any, educational needs that will not be met through involvement in the general curriculum should be addressed in the IEP.

In considering progress in the general curriculum the first decision the IEP team considers is whether the general curriculum is appropriate for thestudent. For most students the general curriculum is appropriate. The general curriculum, however, may not be appropriate for students with the most severe disabilities.

In order to measure progress in the general curriculum, it is important to know where the student is functioning in relation to the curriculum. This information is determined by examining the general curriculum and the skills the student has acquired. This should be part of the on-going assessment of the student and part of the initial evaluation for determining eligibility and need.

As the IEP team looks at the general curriculum in the district, they must initially examine the content standards in relationship to the student's need. If for instance, a student has a reading need, the IEP team begins by examining the district reading standards. An example of a reading standard is: Demonstrate competencies in the general skills and strategies for reading informational texts.

Once the standards are identified in the area of need, the IEP team examines the district's benchmarks. Districts write benchmarks for standards at grade level or for a range of grade levels such as K-2, 3-5, etc. For the identified standard, the IEP team examines the district's benchmarks in the student's grade level or in the range where the student's grade level would fall. The IEP team uses all available assessment data to determine the student's functioning in relationship to the district's benchmarks. If the district's benchmarks are not appropriate, or don't relate to the student's functioning, it is necessary to examine additional district benchmarks at a different grade level or range in order to determine the student's level of functioning in relationship to the curriculum.

The IEP team then documents the standard that matches the student's needs and the district's benchmarks that meet the student's needs. This information should help to determine appropriate goals and provide a baseline for documenting the student's progress in the curriculum.

Grade level equivalent scores from assessments do not necessarily represent a student's functioning in the curriculum, unless there is a direct correlation between the assessment and the curriculum. This correlation can exist on district developed assessments that match the standards, but is unlikely to exist on other nationally normed assessments. The IEP team should discuss the student's progress in the general education curriculum at grade level in the area of need, as well as the knowledge the student has acquired at prior grade levels. The IEP team should also consider district standards and benchmarks in the areas of educational concern when asking, "What knowledge has the student acquired at grade level?" and, "What knowledge has the student acquired at prior grade levels?"

In order to answer those questions, the IEP team needs to regard the standards and benchmarks identified by the local district as essential for **all** students. They should discuss which standards and benchmarks will be used to measure the student's progress in the general curriculum.

If a student's skills and strengths are severely discrepant from grade level curricular expectations, it is important comparisons to general curriculum be above where the student is currently functioning, but at a level you want the student to function. For a student who is not in the general education curriculum, the IEP team should refer to a developmentally appropriate standard or a standard that seems appropriate. No matter which comparison is deemed appropriate, the IEP team's overall goal is still to maintain high expectations.

Identify needs.

The IEP team needs to identify priority needs to receive attention in the IEP. These needs must be meaningful. Each need must be one that can be altered and is defined in specific, observable and measurable terms. The IEP team needs to document the following for each identified need:

1. Student status in the area of need with the general education curriculum or a developmentally appropriate standard
2. Strengths in area of need
3. Baseline performance on skills using a progress indicator
4. The discrepancy conclusion for the area of need

The IEP team should consider the following questions when writing the PLEP:

- In areas of concern, what is the student's present level of performance in relationship to district standards and benchmarks in the general education curriculum?
- Are there areas of concern not reflected in the general education curriculum? (e.g., self-care skills, social skills, etc. may not be addressed in the general education curriculum)
- What student strengths are relevant to addressing identified concerns?
- What educational supports and interventions demonstrate the ability to enhance educational success?
- What areas of concern require special education in the coming year?
- What areas are of greatest importance to the student?
- Do district standards or benchmarks in the general education curriculum describe a reasonable annual goal? If yes, can the district standard or benchmark be written to goal specifications?

How do we know we are doing it right?

The PLEP:

- Describes how a student's disability affects his or her involvement and progress in the general curriculum, or how a young child's disability affects the child's participation in appropriate activities.

- Summarizes the individual's current performance.
- Incorporates information from a variety of sources in an integrated statement.
- Facilitates instructional planning by providing a bridge from evaluation processes and results to instructional interventions.
- Provides guidance for future interventions by communicating the results of past interventions.
- Describes behaviors specifically, in objective, measurable terms.
- Describes other educational needs that result from the student's disability.
- Describes the student's performance in areas of need in relationship to the standards and benchmarks of the district's general curriculum.
- Describes student strengths that are relevant to reaching the IEP's annual goals and the long-term expectation for the student.
- Describes factors which have led to past success for the student (effective interventions and strategies).
- Describes the student's performance levels using the same indicators specified in the goals of the past IEP (for IEP reviews).
- Describes the student's current needs relative to long range goals.
- Provides current baseline information for areas in which goals are set, and special education is provided.

Examples of Excerpts from PLEP Statements

1) In the general education curriculum, students are expected to complete all assignments. John turns in an average of 60% of his math assignments, 50% of his reading and language assignments (on average per week). Of assignments turned in, fewer than 75% are complete. Accuracy of turned-in work fluctuates markedly from less than 10% to 100%.

2) Christine is working on the district's standard to be able to read, understand, and respond to a variety of materials for various purposes. Our focus will be on functional vocabulary. Christine is able to say the sounds of 15 of 26 letters of the alphabet independently (missed v, d, 1, r). With a gestural prompt she was able to say the sounds of w, x, y, z, g, 1, n. Chris is able to read 19 survival words.

She is also working on the standard of writing effectively for a variety of purposes. Christine can write her name without a model 70% of the time. She forgets the "r" or transposes the "r" and the "i." Her "z" looks like a "2" and her "n" and "h" look alike. Christine cannot say her address.

3) Charlie is having difficulties in math. He is unable to meet the general education standards in the area of understanding and applying a variety of problem-solving strategies. He can compute addition problems when using touch math. He has difficulty processing story problems when they are read to him in a one-to-one situation. He does not understand the relationship of the language in the problems and the computation. He needs to learn to set up and solve story problems. He was not able to complete any of the addition or subtraction story problems on the second grade math assessment.

15

Measurable Annual Goals, Benchmarks, and Short-term Objectives

What are they?

Goals set the general direction for instruction and assist in determining specific courses, experiences, and skills a student will need to reach his or her vision. There is a direct relationship between the goal and the needs identified in the PLEP. Goals are also descriptions of what a student can reasonably be expected to accomplish within a 12 month period with the provision of special education services. Goals include intermediate steps to increase successful participation in the general curriculum, appropriate activities, and the general education environment. There are four critical characteristics of a well written goal; it is meaningful, measurable, able to be monitored, and useful in making decisions.

When a goal is written it must be stated so it is **meaningful.** The "meaningful determination" is made by considering a number of factors:

- ◊ the skill the goal represents is necessary for success in current and future environments
- ◊ the family believes the accomplishment of the goal is important
- ◊ the goal specifies a level of performance and an expectation that is reasonable
- ◊ its accomplishment is related and significant to the behavior

Goals are **measurable.** They must reflect behavior that can be measured.

A goal is **able to be monitored.** There are multiple increments in performance between the present level of performance and the criteria stated in the goal. The goal should be written so it can be monitored frequently, and repeatedly.

Finally, goals are written to enhance **making decisions.** Monitoring the goal results in data used to determine the effectiveness of the individual's education program. Appropriate changes may be made to the student's IEP in order to help him or her achieve optimum success.

Differences between benchmarks and short-term objectives:

Either benchmarks or short-term objectives are used on the IEP with the goal. Benchmarks are major milestones which specify skill or performance levels a student needs to accomplish toward reaching their annual goal. They should not be confused with the standards and benchmarks school districts have identified for school improvement. The IEP goal is similar to the district standards; the benchmarks represent the actual content or performance the student is to accomplish at a specific interval or grade level. The IEP team should evaluate skills and performance levels to meet goals and select those for possible benchmarks in the IEP. Short-term objectives are measurable, intermediate steps between a student's present level of educational performance and the annual goals established for the student. Their development is based on a logical breakdown of the major components of the annual goals and they measure progress toward meeting the goals. They set the general direction to be taken by those who will implement the IEP and are the basis for developing a detailed instructional plan for the student.

Comparison of Benchmarks(Major Milestones) and Short-term Objectives

Benchmarks (Major Milestones)	Short-term Objectives
• measurable	• measurable
• general statement represents milestones to goal	• specific statements with conditions, behavior, and criterion stated
• represent progress toward the goal	• represent progress toward the goal

Both short-term objectives and benchmarks (major milestones):

◊ Guide the development and modification, as necessary, of strategies that will be most effective in realizing the goals

◊ Are developed based on a logical breakdown of the annual goal

- represent components of the goal (i.e.,"Writing in complete sentences" may be a component of a paragraph writing goal for an individual)
- may be points on a line between the PLEP and goal (If assignment completion is 50% and the goal is 90%; then 60%, 70%, and 80% are progress indicators)

◊ Serve as "milestones" between the PLEP and the goal

◊ Are measurable

Why are they important?

According to the law an IEP must include:

> IDEA, Sec. 614(d)(1)(A)
> (ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to —
>
> (I) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and
> (II) meeting each of the child's other educational needs that result from the child's disability;

Goals provide a system for measuring the student's progress toward long range expectations. After the IEP team develops measurable goals for a student, they must

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develop effective strategies to realize those goals, and measurable, intermediate steps (short-term objectives) or major milestones (benchmarks) that enable families, students, and educators to monitor progress. As appropriate, the team revises the IEP consistent with the student's needs.

Goals, short-term objectives and benchmarks (major milestones) must be written so they can pass the "Stranger Test." In other words, a goal, short-term objective, or benchmark (major milestone) is written so someone who did not write it could use it to develop appropriate instructional plans and assess student progress. They must also pass the "So What Test" meaning the IEP team considers how valid the goal, short-term objective, or benchmark (major milestone) is. Specifically, the IEP team answers the question, "Is the skill indicated in this goal, short-term objective or benchmark (major milestone) really an important skill for the student to learn?" If the answer is, "No" then the goal, short-term objective, or benchmark (major milestone) is probably inappropriate. However, when asking the "importance" question, the IEP team must consider it in light of social relevance. Social relevance provides another question, "Is this skill/behavior, one that the student's peers engage in?" If the answer is "Yes" then this goal, short-term objective or benchmark (major milestone) is probably a valid one.

How do we design them?

Factors to Consider in Selecting Annual Goals

The IEP team discusses formal and informal assessment data to determine annual goals.

The student with a disability is either a part of the IEP team or is consulted during the decision-making process, as appropriate. Information about the student's likes, dislikes, interests, preferences, and vision for the future must be considered in writing IEP goals.

Every decision affects the student's future options in areas such as graduation, college admission, job possibilities, and independent living. For example:

- ◊ it may make more sense to select a goal for keyboarding rather than spending another year on handwriting
- ◊ it is often more practical to teach a student study strategies that he or she may use in a variety of classes than to write goals only for the content of social studies

The number of goals depends on the student's needs. Prerequisite skills, immediate needs, and general applicability are all factors to consider when establishing priorities. Parents and general education teachers are also essential sources of information when setting priorities. Students themselves often provide critical input when establishing appropriate annual goals. It is also important to recognize that a student may work on more than one goal at a time. It is not necessary to defer instruction in one area (e.g., feeding) while a goal in another area (e.g., communication) is targeted for intervention.

The IEP team must establish challenging goals, that may be achieved within a year and their focus must be on selecting goals from the standards and benchmarks of the local district. The student's performance is measured against the district standards and benchmarks. As districts develop assessments to measure their standards and benchmarks, all students need to be included. The IEP team selects a district standard, a benchmark, or a composite of district benchmarks that includes more than one skill for writing a goal.

For each area of need, prioritized on the PLEP, the IEP team needs to:

1) Write a goal using this format:

Time frame:	In 36 weeks,
Conditions:	given a fourth grade level passage
Behavior:	Jenny will read
Criterion:	100 words per minute with 95% decoding accuracy

Time frame is usually specified in the number of weeks in the goal period (36 weeks = 180 school days)

Conditions specify the manner in which progress toward the goal is measured. Conditions are dependent on the behavior being measured and involve the application of skills or knowledge.

Behavior clearly identifies the performance which is being monitored; usually reflects an action or can be directly observed; and is measurable.

Criterion identifies how much, how often, or to what standards the behavior must occur in order to demonstrate that the goal has been reached. The goal criterion specifies the amount of growth the student is expected to make by the end of the annual goal period.

Examples of Goals

In 10 weeks, when feeding from a bottle, Marion will consume at least 5 ounces of formula per feeding for at least 5 feedings per day across all days.

In 32 weeks, across all settings, Ian will identify 20 major warning words and symbols (e.g., Stop, Poison, Danger, Hazard etc.) with 95% accuracy and will identify appropriate actions to take when these words are seen with 100% accuracy.

In 32 weeks, when a grocery item or items are needed, Marlo will go shopping at the grocery store, pay for her purchases using the nearest dollar strategy and count change (+- $1.00), on 3 consecutive trips to the store.

Additional examples of goals and a list of goal codes are found in Appendix C.

Writing Benchmarks (Major Milestones) or Short-term Objectives

The IEP team needs to write benchmarks (major milestones) or short-term objectives to accompany the goal for the student. The team should write a benchmark (major milestone) and if a benchmark does not work then a short-term objective needs to be written.

Benchmarks (major milestones) are written by stating, the content to be learned, or the skills to be performed. They can be general measurable statements representing the milestone.

One way for an IEP team to write benchmarks (major milestones) for a goal is to examine the district's standards for the general education curriculum. As the IEP team examines the district's standards, they could identify district benchmarks appropriate as stepping stones to the goal. The IEP team would examine the district's benchmarks to identify those skills the student needs to acquire or be able to perform to reach his or her goal.

District benchmarks would be a reference point for the team. Two or more district benchmarks may be combined, or the IEP team may decide to divide the district benchmark into smaller steps. It is important the selected, district benchmarks assist the student in reaching his or her goals.

A second way to write benchmarks (major milestones) in the IEP, is to examine the goal in relation to developmentally appropriate standards. As the developmentally appropriate standard is examined, the IEP team determines the major milestones along the way to accomplishing the standard and identifies those as benchmarks (major milestones) for the student. As benchmarks (major milestones) are identified they need to provide information that the student is progressing toward his or her goal.

The following are examples of **Benchmarks (Major Milestones):**

1. Prepare verbal, written and visual compositions that fulfill different purposes (e.g., to inform, to persuade, to narrate, to entertain, and to stimulate emotion)
2. Identify and use appropriate language in different settings (e.g., school, home, community
3. Knows and orders numbers from 0 to 1000
4. Understands place value up to 3-digit numbers

To determine whether a benchmark (major milestone) is appropriate or not, make sure it is measurable, represents expectations, is developmentally appropriate, and relates to progress on the goal.

Short-term objectives are arranged in sequence and always include the conditions under which the skill is to be performed, the student's name, the observable behavior, and the criteria for success. The following are examples of short-term objectives:

1. David will write answers to simple addition facts with sums 0 to 20 (e.g., 4 + 5) in 5 minutes on a worksheet at a rate of 40 digits correct per minute with no errors by October 1999.
2. Given different board games and 2 to 3 peers, Mary will play cooperatively for 15 consecutive minutes for 10 turn-taking exchanges.

How do we know we are doing it right?

- ◊ Goals are written with high expectations.
- ◊ Goals are related to meeting the student's needs in order to enable him/her to be involved in and progress in the general education curriculum.
- ◊ Goals are measurable, meaningful, able to be monitored, and useful in making decisions.
- ◊ Goals are statements related to needs identified in the PLEP.
- ◊ Goals are statements of anticipated results to be achieved in a year.
- ◊ Goals pass the "stranger test" and the "so what test."

◊ Progress indicators (benchmarks (major milestones) or short-term objectives) are written for each goal.

◊ Benchmarks (major milestones) and short-term objectives are links for accomplishing the goal.

Examples of Integrated PLEPs, Goals, Benchmarks (Major Milestones)/Short-term Objectives

PLEP: At 36 months, Abigail is working on developmental skills of early object use and functional play with toys/objects. Abigail is able to perform exploratory schemes (banging, shaking, throwing) as she plays with toys/objects. She applies the same schemes to all objects, and she does not demonstrate an understanding of the functions of toys/objects. Abigail has learned to imitate her parents' and other adults' actions when provided with a model of combining two schemes to manipulate a toy in a functional play activity. Abigail's parents want her to play with her toys without her requiring their constant attention and modeling of actions.

When given toys/objects, Abigail will perform 5 schemes with them (shake, roll, bang, throw, push). She does not combine schemes into a functional play sequence with the toys/objects. Children between 18-24 months of age typically play with toys/objects by combining schemes to see a cause-and-effect relationship and to use objects according to their functions. By 36 months, children are beginning to engage in symbolic or pretend play.

Annual Goal: In 36 weeks, when given the opportunity to play with 6-8 different toys/objects, Abigail will spontaneously link 4 discrete schemes according to the toys/objects intended functions 3 times per observation period across 5 consecutive play times.

Benchmarks:
Link 2 discrete schemes
Link 3 discrete schemes

PLEP: John displays difficulties writing his thoughts on paper. He has very creative ideas but does not understand sentence construction or how to develop paragraphs. He needs to use punctuation and capitalization consistently. John received 12 out of 50 points on the district's assessment for expressive writing, . He needs to learn to write the four different sentence types (simple, compound, complex, and compound- complex) correctly and integrate them into a paragraph.

Annual Goal: In 36 weeks John will write at least a 6 sentence paragraph using at least three different sentence types scoring 45/50 on the writing rubric.

Benchmarks:
1. write simple sentences
2. write compound sentences
3. write complex sentences
4. write compound-complex sentences

PLEP: Michelle is working on the standard of the general education curriculum to enhance reading fluency. Michelle has difficulty identifying words in isolation. When reading a text, she uses context clues and picture clues to identify words unfamiliar to her. When reading words in isolation, she attempts to dissect the word phonetically, but has difficulty drawing closure to the word and pronouncing the word as a whole. Michelle studied the DISSECT word identification strategy in seventh grade. It appears she still uses this strategy with some limited success.

When asked to read passages from her government textbook, Michelle read at an average rate of 82 words per minute with 96% accuracy in word identification. This compares to a norm of 150-200 words per minute with 98-99% accuracy for high school juniors. During this reading probe, Michelle stated that she can read faster when she reads aloud. It seems that her literal comprehension also improves when she is able to read aloud. She used a ruler as a guide to enable her to read line by line.

Annual Goal: Given sample passages of at least 200 words or more from high school level textbooks, Michelle will read grade level materials at an average rate of 100 wpm with 98% accuracy or better in word identification.

Objectives:

1. Michelle will read 200 word passage 90 wpm/98% accuracy
2. Michelle will read 200 word passage 95 wpm/98% accuracy

Monitoring Strategy

What is it?

After the IEP team writes a goal, it is important to identify how the goal will be measured. A monitoring strategy guides how data will be collected to make decisions about the progress of the student on the goal and establishes the decision making plan for examining the data collected.

Why is it important?

A monitoring strategy enables the IEP team to assess whether the student is achieving his or her goals. The law states that the IEP must include:

> IDEA, Title 34 CFR, Sec. 300.347 Content of the IEP.
>
> (7) A statement of—
> (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
> (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—
> (A) Their child's progress toward the annual goals; and
> (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

How do we do it?

After the goal is written, the IEP team needs to develop a method for measuring the progress the student is making toward attaining the goal. There is no one way to establish a monitoring strategy. IEP teams need to make decisions about the data they will use to determine if the student is making progress on the goal. There are a variety of factors the IEP team considers as they establish monitoring and evaluation procedures.

IEP teams need to consider the benchmarks (major milestones) and short-term objectives written as steps toward the goal. Benchmarks (major milestones) and short-term objectives can serve as a monitoring mechanism if they represent equal steps to the goal.

IEP teams need to consider the indicator used to determine the baseline performance and the goal criterion. The indicator was used for the goal criterion will determine the monitoring strategy. For example, if the goal criterion is a fluency measure then the monitoring strategy would be to measure the fluency of the behavior. If the indicator for the goal was accomplishing a series of steps, then the progress monitoring system should measure the attainment of the individual steps.

The decisions the IEP team needs to address and document are:

1. Who will be responsible for data collection;
2. The setting where data will be collected;
3. The method of data collection;
4. The measurement conditions;
5. The monitoring schedule for data collection;
6. A decision making strategy to determine under what conditions a student's performance is sufficiently delayed to warrant an instructional change;

7. The number of times per year the parents will receive communication about the student's progress toward the goal (as often as nondisabled peers); and
8. The method for informing the parents of the progress.

In summary, the IEP team must:

- Construct a method(s) for gathering ongoing monitoring data;
- Formulate a monitoring strategy, decide on a decision making plan, and determine an intervention based on the following principles:
  - The monitoring strategy determines who is responsible for data collection, the setting where data will be collected, the method of data collection, the measurement conditions, and the monitoring schedule.
  - A decision making plan describes the conditions under which the student's performance is sufficiently off the goal line to warrant the consideration of an instructional change.
  - The intervention strategy is a teaching approach and has a reasonable chance of accomplishing the goal. This requires specifying what will be used instructionally, and is not merely a discussion of how many minutes of support a student will receive and where he or she will receive these services.
- Report progress as often as it is reported in general education; and
- Communicate the ongoing progress monitoring information with members of the IEP team, including parents, the student, and others as appropriate.

How do we know we are doing it right?

- A measurement strategy, ongoing data collection and data analysis which drives decision-making have been identified.
- Members of the IEP team, including parents, the student and others as appropriate, participate in determining the monitoring strategy and decision making plan.
- Decisions are made based on the results of monitoring that positively reflect outcomes for all students.
- Parents receive reports of their child's progress towards his or her goals as often as nondisabled students receive progress reports.

Examples of Monitoring Strategies

Goal 1: In 36 weeks, Joe will wait for his turn during a variety of classroom activities for 3 out of 4 times successfully for 3 consecutive weeks.

Monitoring Strategy: The frequency of measurement is 1 randomly selected day per week; the behavior measure is Joe's turn taking behavior. The data will be collected by the classroom teacher in the classroom across all classes.

The data will be charted with a goal line. The decision making plan is to examine instructional intervention when Joe is below goal line for two weeks. Joe's parents will receive a progress report four times a year with his report card.

Goal 1: In 30 weeks, when given a choice of topics, Shane will write a weekly journal entry in the general education classroom setting scoring 40/50 points for a period of four consecutive weeks using the fourth grade written language rubric.

Monitoring Strategy: The frequency of measurement is twice per week; the behavior measure is written expression as judged by points derived from the classroom rubric applied to journal writing. The classroom teacher and special education teacher willl both score Shane's writing by using rubrics. The data will be charted. A goal line will be drawn and decisions will be based on a goal line comparison. Shane's parents will receive a progress report 3 times a year with his report card.

Instructional, Support, and Related Services

What are they?

IDEA, Title 34 CFR, Sec. 300.347

(a)(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child.
(a)(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;
(a)(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications.

Each IEP team makes decisions about the special education instructional, and related services, as well as supplementary aids required to meet the needs of an entitled individual. In addition, the IEP team addresses the extent if any, to which the student will not participate with nondisabled students in general education and nonacademic activities. All services outlined on the IEP indicate the projected date for the beginning of the services and the modifications for each. The frequency, location, and duration of the services are also specified by the IEP team.

Special education means specially designed instruction provided at no cost to the parents, to meet the unique needs of a child with a disability, including instruction in physical education.

Physical education is defined as the term of development of —

- ◊ Physical and motor fitness
- ◊ Fundamental motor skills and patterns; and
- ◊ Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term also includes special physical education, adaptive physical education, movement education, and motor development.

Related Services means developmental, corrective and other services that are required to assist an individual with a disability to benefit from special education. Related services are not synonymous with support services. Transportation in this guidebook, refers to the means by which a student travels to and from school. Transportation is also considered a "related service."

Support services are specially designed instruction and activities which augment, supplement or support the educational program of eligible individuals. These

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services are usually provided by the AEA, but may be provided through a contractual agreement with another qualified agency.

The Iowa Rules of Special Education describe five special education support service models:

- Cooperative efforts between general and special education support personnel to provide specially designed instruction in the general education classroom.
- Cooperative efforts between support personnel and special educators.
- Provision of specially designed instruction by a support service provider.
- Consultation with general and special education teachers.
- Provision of support services through parents, teachers, or others.

Supplementary Aids and Services
According to IDEA 1997, supplementary aids and services mean aids, services, and other supports that are provided in general education classes or other education related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Accommodations and Modifications
Accommodations are supports or services provided to help a student access the general curriculum and validly demonstrate learning. Modifications are changes made to the content and performance expectations for students.

Paraprofessional Services
The support of a paraprofessional may be one alternative the team explores as a way of providing modifications to enable a student to meet specific goals and objectives/benchmarks. This must be documented as part of the IEP when:

- the student requires the support of a paraprofessional to implement a health plan under the supervision of a professional.
- the student is unable to access appropriate educational services without a paraprofessional to assist with specific IEP objectives.
- the services of a paraprofessional are essential to implement the support and modifications needed to achieve IEP objectives and enable the student to acquire a free appropriate public education.

In many situations paraprofessionals are assigned to a special education classroom or program rather than a particular student. The paraprofessional works in the classroom and in other parts of the building supporting children and youth in special and general education environments. The children and youth benefit from the assistance and support of a paraprofessional as a routine component of that program model. When tasks and activities performed by paraprofessionals are routine aspects of the child's program and are typically implemented by the paraprofessional as a member of the educational team, those services do not need to be included on the IEP.

Why are they important?

The decision about what services, the amount of services and the setting of services needed to assist in the implementation of IEPs, is based on a variety of factors. The IEP team must identify the student's present levels of educational performance, and describe the goals and objectives/benchmarks. Once the needs, goals and objectives/benchmarks are established, the IEP team decides what services to provide, where to provide the services, and the amount of time the student will spend in general education settings, special education settings, or in a combination of settings.

By law: (1) most children with disabilities should receive the same transportation services as non-disabled children, and (2) for some disabled children, integrated transportation may be achieved by providing needed accommodations such as lifts and other adaptations on regular school transportation vehicles.

How do we do it?

I. General Education

The IEP team is responsible for making the decision regarding least restrictive environment (LRE) for each student. It is important each IEP team begin with the assumption that the general education environment is the appropriate setting for all students. The IEP team must identify the accommodations, modifications, adaptations, assistive technology or supplementary aids and services the student needs to be successful in general education. They must also identify the supports needed by the teacher or other personnel. The IEP team should remember the use of accommodations is to help "level the playing field." Accommodations can be provided in the areas of setting, timing, scheduling, presentation, and response (see Appendix C). As the IEP team decides accommodations, they should consider the characteristics of the educational environment in comparison to the learner characteristics:

Characteristics of the general education environment:

- ◊ content of general education curriculum
- ◊ structure of the general education classroom setting
- ◊ balances of general education content areas with functional, social, and community skills training
- ◊ structure of nonacademic and extracurricular activities

Learner characteristics:

- ◊ rate of skill acquisition
- ◊ overall functioning level
- ◊ need for social interaction and leisure skills
- ◊ need for limited distractions
- ◊ behavioral characteristics
- ◊ special health or safety needs

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The IEP team should use all available information from previous interventions and evaluations to help structure accommodations. The team should identify:

Characteristics of accommodations, modifications, and adaptations:

- description of accommodations, modifications, and adaptations in general education
- description of circumstances under which accommodations, modifications, and adaptations will be implemented
- supports needed to facilitate integration–social, physical, and academic
- degree that needed accommodations are unduly intrusive into routine of the general education class
- special skills required of personnel implementing accommodations

If an IEP team is considering using paraprofessional services the IEP should include a written description of the services provided by the paraprofessional, which includes the following:

- a specific description of the services to be provided by the paraprofessional that pertain to the goals and short-term objectives.
- the amount of time the paraprofessional's service will be needed.
- the anticipated duration of the services. A paraprofessional's service may be discontinued when specific skills are accomplished, when levels of independence have been achieved, or when specific conditions are met.
- the location or setting where the services of the paraprofessional are to be delivered.

Physical education also needs to be considered by the IEP team. The IEP needs to document the student's participation in physical education. Most students are able to participate in physical education in the general curriculum.

IDEA, Title 34 CFR, Sec. 300.24 Special Education

(a)(1) As used in this part, the term "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including — (ii) Instruction in physical education.
(b)(2) "Physical education" is defined as follows:
(I) the term of development of —
(A) Physical and motor fitness
(B) Fundamental motor skills and patterns; and
(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

(ii) The term includes special physical education, adaptive physical education, movement education, and motor development

DEA, Title 34 CFR, Sec. 300.307 Physical Education

(a) General. Physical education services, specially designed in necessary, must be made available to every child with a disability receiving FAPE.
(B) Regular physical education. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available

to nondisabled children unless —

(1) The child is enrolled full time in a separate facility; or

(2) The child needs specially designed physical education, as prescribed in the child's IEP.

(c) Special physical education. If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child shall provide the services directly, or make arrangements for those services to be provided through other public or private programs.

(d) Education in separate facilities. The public agency responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services in compliance with paragraphs (a) and (c) of this section.

Authority: 20 U.S.C. 1412(a)(25), 1412(a)(5)(A)

Regular Physical Education

When a student with a disability participates fully in the regular physical education program without any special modifications, it is indicated on the IEP the student is receiving regular physical education. However, if specific modifications are necessary for the student to participate in a general physical education program, those modifications are described in or attached to the IEP.

Specially Designed Physical Education

When a student with a disability needs specially designed physical education, all applicable areas of the IEP (e.g., present levels of educational performance, goals and objectives, etc.) are completed.

Education in a Separate Facility

When a student with a disability is educated in a separate facility, the physical education program for that student is described on the IEP. The type and amount of information included on the IEP depends on the needs of the student and the type of physical education program to be provided (regular, regular with modifications, specially designed).

Physical Education Support

When addressing physical education, are assessment data available from a qualified physical educator?

Vocational education is another consideration for the IEP team. The team, as a part of general education, needs to address any modifications to vocational education. Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

II. LRE Consideration

The purpose of this section on the IEP is to document the team's decision regarding the least restrictive environment. It requires the team to document options considered and the reasons why they were not chosen. The IEP team needs to address these questions under the headings of environmental support and individual support:

Environmental Support:

- ◊ What experiences are available in general education academic, nonacademic, and extracurricular environments?
- ◊ What supports and assistance are routinely provided to students in the general education environment?

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- In what areas is the student successful? If successful in these areas, why remove him or her from the general education environment?
- What settings were considered in current or previous staffings? Why were they not chosen?
- What settings and services are presently recommended to meet the student's needs?
- Where have special education services been provided?
- How much time will the student interact with his or her nondisabled peers?
- If the student is removed from the general education environment, what opportunities are available for the student to interact with nondisabled peers?

Individual Support:

- In what areas is the student experiencing difficulty?
- What modifications have been tried?
- What services are needed for the student to remain and be successful in the general education environment?

The U.S. Department of Education requires each state to provide information related to the implementation of the Free Appropriate Public Education requirement contained in the IDEA and specifically LRE information. The question to ask for each student is:

> What percent of time (school day, excluding lunch period) is the child removed from the general education environment (classroom) to be provided Special Education (Instructional & Related and or Support) Services?

For preschoolers, the question is phrased:

> What percent of time (excluding lunch period) is the child removed from the environment where the child would be with nondisabled peers to be provided Special Education (Instructional & Related and or Support) Services?

Examples of LRE Percentage Statements

Note: Two quantities must be known to calculate the percentage of removal from the "general education" environment:

1) The length of the school day, in minutes for the building where the child is attending. This amount should not include travel time to and from the attendance center nor lunch time. Do not include travel time even if the child is being transported to another location for services.
2) The sum of all time that the child is removed from the "general education environment."

If the child is receiving resource room, speech-language, and occupational therapy services, the time in all three must be combined to calculate the percentage. "Periods" of a school day may be used to calculate LRE if all "periods" of the day are of equal length.

Example 1: Tommy is a sixth grader at Elm Street Elementary. He receives services from an itinerant teacher on a daily basis for 30 minutes in his regular classroom, on social skills and reading. Elm Street Elementary has a 6 hour day not including the lunch period (360 minutes). (What is the LRE percentage? It is "0".) Tommy is not removed from the "general education environment" to be provided special education services.

Example 2: Alice is a third grader at Filmore School. She receives Speech-Language Services each day for 30 minutes. The services is provided in a room just down the hall on a one to one basis. Filmore's school day excluding lunch period, is 5.5 hours (330 minutes). (What is the LRE percentage? It is "9%".) The 30 minutes of removal time is 9% of the total 330 minutes during the day.

Example 3: James is a fifth grader at Filmore School. He receives Occupational Therapy services every other day a week for 30 minutes (three days one week and two days the next week and so on). The services are provided in a room just down the hall on a one to one basis. Filmore's school day is 5.5 hours (330 minutes). (What is the LRE percentage? It is "5%".) During a two week period James receives 5-30 minute sessions, 150 minutes. Two weeks of time at school is 330 minutes multiplied by 10 days, (3,300 minutes). 150 divided by 3300 is .045, rounded to 5.

III. Description of Special Education Services

Instructional, and support and related services need to be documented. The type of service should be based on goal areas. Goal areas should be identified, as well as the duration (how long), frequency (how often), and the location (setting) of the services to address the goal. If the student has more than one goal in a goal area, but they are being addressed at the same time, it would not be necessary to list goals separately.

Example:	Reading	daily, 60 min.	General Education
	Math	daily, 30 min.	Special Class
	Speech	2 X week, 15 min.	Speech Room

At times a student could be receiving instruction in two settings for a goal area such as in a special class and general classroom. The team should clearly note this and explain how services will be provided.

Transportation. A public agency must provide transportation as a related service if it is required to assist the disabled student to benefit from special education. (This includes transporting a preschool-aged child to the site at which the public agency provides special education and related services to the child, if that site is different from the site at which the child receives other preschool or daycare services.) In determining whether to include transportation in a student's IEP, the IEP team must consider how the student's disability affects his or her need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to nondisabled students, or from getting to school in the same manner as nondisabled students. The public agency must ensure that any transportation service included in a student's IEP as a related service is provided and that the student's IEP describes the transportation arrangement.

How do we know we are doing it right?

Specific documentation of the following items are noted on the IEP:

- the education environment(s) which have been considered and those in which the student will participate
- a description of the accommodations, modifications, and adaptations the individual requires to be successful
- any required assistance and support necessary for the teacher and other personnel to provide these accommodations, modifications, and adaptations
- how participation in the general education environment impacts this student
- how this student's participation in the general education environment impacts other students
- a description of the duration and frequency of the participation in general education settings and activities
- the specific initiation and duration dates of services during the regular school year, year round school, and extended school year, as appropriate, and
- an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and non-academic activities
- information/evidence that documents that services begin in a timely manner and continue as needed for the student
- information about the duration of services that reflects the student's needs, goals, and desired school/post school outcomes

The following questions are answered:

- If there are identified needs, can the needs be addressed within the regular physical education program?
- Is a specially designed physical education program needed for this child?
- If so, do goals and objectives in this area address the needs identified in the assessment information?

An example of an *Instructional Accommodations Format* to add to the IEP is included in AppendixC.

Participation in District-Wide Assessment

What is it?

School districts routinely administer large-scale academic achievement assessments (e.g., Iowa Tests of Basic Skills (ITBS)) to address multiple questions. District-wide assessment data is often used to help districts determine areas for school improvement, provide feedback to teachers and parents, and report academic progress to the community. For the district, parents, and the community to have a complete picture of how the education system is working, it is important to include all students to the maximum extent possible.

Why is it important?

The reauthorization of the IDEA requires the IEP team to make a decision about a student's participation for each district-wide assessment a district gives at the student's assigned grade level. If the team decides a student should not participate in a particular district-wide assessment, the team must explain why the assessment is inappropriate and specify how the student will be assessed in an alternate manner.

> IDEA, Sec. 612(a)(17)
>
> (A) In general.—Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—
> (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs; and
> (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

How do we do it?

To assist the IEP team in making a decision regarding a student's participation in district-wide assessment, the following guidelines were developed by a statewide stakeholder group that consisted of parents, regular and special education teachers, school administrators, AEA staff and Iowa Testing Service representatives. The intent of the guidelines is to include as many students as possible in district-wide assessment by focusing on the curriculum students are learning before examining the characteristics of the assessment. If a student is not learning the curriculum the district-wide assessment measures, then an alternate assessment is appropriate.

Making the Participation in District-Wide Assessment Decision

For many students, the IEP team will have to complete the Participation in District-Wide Assessment Documentation Form found in Appendix C, but the form is not required if the student does not need test accommodations and the team believes the test is appropriate. In this case the "Student shall participate in district-wide assessment without accommodations" box should be checked on the form. No further deliberation or discussion is required for students who can take the test without accommodations.

If the team is not convinced the student should take the test without accommodations, then the Participation in District-Wide Assessment Documentation Form must be completed. Before completing this form, the first paragraph of the form should be shared with all team members. It is important to emphasize the district-wide assessment provides information for multiple purposes and it is critical the district obtain a complete picture of student achievement as soon as possible. The first statement on the form asks the IEP team to describe the student's curriculum and *then* determine the appropriate assessment approach. When making the participation decision, the IEP team should first focus on the curriculum the student is learning. The intent of this statement is to ensure the assessment is, as much as possible, measuring the material the student is learning.

For option A, if the student participates in the general academic curriculum with only slight modifications then alternate assessment is inappropriate. The team must decide whether the student needs to use an accommodation for the test to demonstrate his or her knowledge of the material.

For option B, if the student receives significant modification to the curriculum, the team must decide between providing the assessment with accommodations or using an alternate assessment. To help with this decision, the IEP team should ask "At what level of the general education curriculum is the student working?" Once the instructional level is established, the level of testing must be established. Only at this point should the IEP team determine whether accommodations are appropriate.

As an example, in some cases students are learning material that is part of the general education curriculum but the material is from an earlier grade. If a student is in fifth grade, but the material he or she is learning is primarily based on the second grade curriculum (instructional level), then the team must decide if the current assessment measures second grade as well as fifth grade material (testing level). If the assessment does not cover the lower grade, then a test which appropriately measures the second grade curriculum should be used. This process is typically called "Out of Level Testing." It is important to keep in mind "Out of Level Testing" is not an accommodation or an alternate assessment. It is, simply, testing at the student's instructional level and can be done with regular education as well as special education students. If the second grade test is used in this example, the team should examine if it is appropriate to use accommodations for the assessment.

For Option C, students in an alternative curriculum are not be expected to participate in the district-wide assessment and an alternate assessment is used. An alternative curriculum is typically not connected to the general academic curriculum at any grade level and focuses on developing life skills. If the team decides an alternate assessment is appropriate, they must complete section III of the documentation form. A possible approach for describing why the district-wide assessment is not appropriate is to focus on the fact that the curriculum the student is learning is not measured by the district-wide assessment. By July 1, 2000 the state is required to have an alternate assessment that districts can choose to use. In the interim, the IEP team can create a portfolio focused on the goal areas or create other assessments that address the student's progress in his or her curriculum. The use of a standardized test (e.g., Woodcock-Johnson Achievement Test, WJ-R) is not necessary and in most cases would be inappropriate.

After the team makes the participation in assessment decision, it is recorded on the IEP in the Participation in District-Wide Assessment section with a checkmark in the appropriate box.

Note: In some cases, there is not a direct match between the assessment and the curriculum. For these situations, the team determines the curriculum the student is learning and provides the same assessment other students using a similar curriculum are taking.

Accommodations

If the IEP team decides a test accommodation is necessary, the accommodation is recorded in Section II of the Participation in District-Wide Assessment Documentation Form. The purpose of an accommodation is to help compensate for the student's disability and attempt to level the playing field. The intent of the accommodation is to address a specific need, and not simply to provide the student an opportunity to score better. A good example of an appropriate accommodation is the use of eyeglasses. For most students, taking a test without eyeglasses is more difficult than taking it with the glasses, and wearing the glasses eliminates the deficit in vision. The IEP team should not be concerned about how the test accommodation affects the validity of the results. If an appropriate accommodation is used, then the results are a good indication of the student's knowledge of the tested content area.

The IEP team should consider the following questions when determining the appropriate accommodations for a student:

- ◊ Is the accommodation typically used in the classroom for the student?
- ◊ Does the accommodation address a specific need of the student?
- ◊ Does the use of the accommodation provide a better picture of what the student knows and can do?

Each question does not have to be answered in the affirmative, but the IEP team should give considerable thought to these questions when choosing test accommodations. An example of an accommodation that would not pass these questions is oral reading of a reading comprehension test for a student with a reading disability. This accommodation is not typically used in the classroom and does not give a better picture of the student's skill in understanding and comprehending written words. Although the accommodation addresses the student's reading disability, the use of other accommodations such as extended time might more appropriately address the student's needs.

Note: Although most testing accommodations will typically also be used in the classroom, there may be situations when an accommodation is only needed for district-wide assessment. Therefore, it is important for the IEP team to think about and make separate decisions for classroom accommodations and assessment accommodations.

Partial Assessment

In rare circumstances, a student may be in the regular academic curriculum in one area (e.g., math) and in alternate curriculum in another (e.g., reading). In these situations, the team should annotate on the IEP the areas to be assessed with the district-wide assessment and the areas to be assessed with the alternate assessment. The alternate assessment box and the appropriate district-wide assessment box should be marked on the IEP to indicate the student is participating in two ways.

Implementing the IEP

Implementation of the IEP

What is it?

The implementation of an IEP relies on the designation of responsibilities and the use of a timetable of some kind. The IEP of a student with a disability is implemented as soon after the IEP meeting as possible. There cannot be undue delay in providing services to the student. The law states:

> IDEA, Title 34 CFR, Sec. 300.342
>
> (a) At the beginning of each school year, each LEA, SEA, or other State agency, shall have in effect, for each child with a disability within its jurisdiction, an individualized education program, as defined in Sec. 300.340.
> (b) An IEP must—
> (1) Be in effect before special education and related services are provided to a child; and
> (2) Be implemented as soon as possible following the meetings described under Sec. 300.343.
> (c)(1) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the SEA a 2-year-old child with a disability who will turn age 3 during the school year), an IFSP that contains the material described in section 636 of the Act, and that is developed in accordance with Secs. 300.340-300.346 and 300.349-300.351, may serve as
> the IEP of the child if using that plan as the IEP is—
> (i) Consistent with State policy; and
> (ii) Agreed to by the agency and the child's parents.
> (2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall—
> (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
> (ii) If the parents choose an IFSP, obtain written informed consent from the parents.
> (d)(1) All IEPs in effect on July 1, 1998 must meet the requirements of Secs. 300.340-300.351.
> (2) The provisions of Sec.s 300.340–300.350 that were in effect on June 3, 1997 remain in effect until July 1, 1998.

Why is it important?

The general education and special education teacher share responsibility for implementing the IEP. Related and support service providers are responsible for implementation if they are defined in the IEP. The parents are responsible for communicating with the school about their child's progress, just as the school is responsible for communicating with the parents about the child's progress. The student also has a responsibility to communicate whether the IEP is providing him or her with a meaningful learning experience.

All team members are responsible for continually evaluating the effectiveness of the plan. If the student is not progressing, then the IEP team requests an additional IEP meeting.

It is expected that the IEP of a child with a disability will be implemented as soon as possible following the IEP meeting. Possible exceptions are:

1) If the meetings occur during the summer or vacation period, and no services are required during that period;

2) If there are circumstances that require a short delay (e.g., working out transportation arrangements).

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How do we do it?

Implementing the IEP involves informing all responsible parties about the student's needs and ensuring that parents and teachers have a copy of the IEP. It is also important to schedule when special education and support/related services are planned. Additionally, a design and instructional plan to meet goals must be established and instruction and the monitoring of progress must begin. Documentation is essential throughout the process.

How do we know we are doing it right?

◊ Collaboration and communication take place among parents, teachers, and the student.

◊ Services are provided as planned.

◊ Services reflect the IEP goals.

◊ The student's progress on his or her goals is monitored.

◊ Outside agencies which are to provide transition services are monitored, and if they do not provide services, the IEP team is reconvened and alternative strategies are planned.

◊ Periodic reviews take place as scheduled.

Written Prior Notice

What is it?

Written prior notice is the notice a school must provide to parents before it proposes to initiate or change the identification, evaluation, or educational placement of their child or the provision of a free appropriate public education to their child. It is also provided when a parent's request to initiate or change the identification, evaluation or educational placement of the child or the provision of free appropriate public education to their child has been denied. The law states:

> IDEA, Title 34 CFR, Sec. 300.503 Prior notice by the public agency, content of notice.
>
> (a) Notice. (1) Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—
> (i) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
> (ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
> (2) If the notice described under paragraph (a)(1) of this section relates to an action proposed by the public agency that also requires parental consent under Sec. 300.505, the agency may give notice at the same time it requests parent consent.
> (b) Content of notice. The notice required under paragraph (a) of this section must include—
> (1) A description of the action proposed or refused by the agency;
> (2) An explanation of why the agency proposes or refuses to take the action;
> (3) A description of any other options that the agency considered and the reasons why those options were rejected;
> (4) A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
> (5) A description of any other factors that are relevant to the agency's proposal or refusal;
> (6) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
> (7) Sources for parents to contact to obtain assistance in understanding the provisions of this part; and
> (8) A statement informing the parents about the State complaint procedures under Secs. 300.660–300.662, including a description of how to file a complaint and the timelines under those procedures.

Why is it important?

Prior notice is important because it protects the rights of parents. By virtue of being "prior" it helps to ensure an opportunity for parental participation in each IEP meeting.

How do we do it?

State and Federal regulations require "written prior notice" be given to the parents of a child with a disability a reasonable amount of time before the agency: "(1) proposes to initiate or change the identification, evaluation, or educa-

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tional placement of the child or the provision of FAPE to the child; or (2) refuses [following a parental request] to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child." 34 CFR 300.504(a) and 281 IAC 41.104. This requirement was included in the IDEA statute as part of the IDEA Amendments of 1997.

The "written prior notice" requirement applies to the district's final decision and the notice should be given after an agency decision has been made, but a "reasonable time" prior to implementation of a proposed change.

The following events require the issuance of "written prior notice":

- an initial, pre-placement evaluation;
- an initial placement decision;
- a re-evaluation;
- a change in educational placement or change in the provision of FAPE, including:
- the initiation of transition services (including graduation of the student).

Determination of whether a particular action constitutes a "change in educational placement" is made on a case-by-case basis. A change in the location at which a child is served, in itself, does not necessarily constitute a change in educational placement. Rather, the event must constitute "a substantial and material alteration of the child's educational program" to be considered a "change in educational placement."

The following factors should be considered when the IEP team determines whether an event constitutes a "change in educational placement":

- whether the educational program set forth in the child's IEP has been changed;
- whether the child will be able to be educated with nondisabled children to the same extent;
- whether the child will have the same opportunity to participate in nonacademic and extracurricular services; and
- whether the new placement option is the same option on the continuum of alternative placements.

Ordinarily, a well written IEP may serve the "written prior notice" requirement if all the required information is included in the IEP and the parents receive a copy of the IEP. The "written prior notice" must include:

- a description of the action proposed or refused by the agency;
- an explanation of why the agency proposes or refuses to take action
- a description of any other options the agency considered and the reasons why those options were rejected
- a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
- a description of any other factors relevant to the agency's proposal or refusal;

- a statement that the parents of a child with a disability have protection under the procedural safeguard of [the IDEA] and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- sources for parents to contact to obtain assistance in understanding the provisions of [the IDEA].

The district should include, within reason, as much detail as possible in the written prior notice. This is particularly important on those occasions where a disagreement exists between the school district and parents as to appropriate FAPE or services for a student.

It is also required by law that parents are informed of procedural safeguards (IDEA CFR 34 Sec. 300.504). In Iowa, the Parental Rights Brochure serves as notice of procedural safeguards. The Parental Rights Brochure should be given to parents upon:

- initial referral for evaluation;
- each notification of an IEP meeting;
- reevaluation of the child; and
- receipt of a request for due process.

The law further requires that the procedural safeguards be written in language that the parents can understand. Understandable language may mean that the procedural safeguards need to be translated into the native language of the parent. The parents must also be able to understand the content. Once the procedural safeguards are given to the parents and they understand them, it must be documented.

Reviewing the IEP

Decision Making, Review, & Revision of the IEP

What is it?

Decision making is the method the IEP team uses to determine if an IEP is appropriate for a student. It is intended to address the extent to which a student is achieving his or her goals. Progress monitoring enables the IEP team to discern whether changes need to be made in the IEP. It is an integral part of what makes the IEP a "living" document and must be considered throughout the IEP process.

A review and a revision of the IEP is completed at least once every 12 months in order to help the student experience educational benefit. The IEP meeting allows the IEP team to examine the progress the student has achieved and determine the student's needs for the next year.

Why is it important?

Progress monitoring helps the IEP team decide whether adjustments in services, teaching strategies, environments, etc., are needed to help a student achieve his or her goals.

The law states the IEP must include:

IDEA, Title 34 CFR, Sec. 300.347

(viii) a statement of —
(I) how the child's progress toward the annual goals
described in clause
(ii) will be measured; and
(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of —
(aa) their child's progress toward the annual goals described in clause
(ii); and
(bb) the extent to which that progress is sufficient to enable the child achieve the goals by the end of the year.

Progress Monitoring can be used to review and revise the IEP. The law requires the:

IDEA, Title 34 CFR, Sec. 300.343

(c) Review and revision of IEP. Each public agency shall ensure that the IEP team—
(1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
(2) Revises the IEP as appropriate to address—
(i) Any lack of expected progress toward the annual goals described in Sec. 300.347(a), and in the general curriculum, if appropriate;
(ii) The results of any reevaluation conducted under this section;
(iii) Information about the child provided to, or by, the parents, as described in Sec. 300.533(a)(1);
(iv) The child's anticipated needs; or
(v) Other matters.

(Authority: 20 U.S.C. 1414(d)(3))

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Note: For most children, it would be reasonable to expect that a public agency offer services in accordance with an IEP within 60 days of receipt of parent consent to initial evaluation.

IDEA '97 states the IEP team needs to assess and ensure the effectiveness of efforts to educate children with disabilities (IDEA '97: Sec. 300.1(d)). The focus of the review should be on results. Results refer to the measured changes that occur in the student's performance following the provision of specially designed instruction and services. In IDEA '97, the IEP goals identify desired outcomes at the end of a goal period. These are the focus for examining results.

Results guide instruction and lead to improved instruction, are supported by data, and ensure a student's needs are being met. Results also ensure priorities are set and time and fiscal resources are invested in both the individual student and the overall system.

Certain assumptions surround the special education process:

◊ there is always a quantifiable discrepancy between IEP goals and the PLEP (present level of educational performance)

◊ the IEP team uses the quantified discrepancy in the PLEP to set ambitious goals for a student's growth;

◊ goals are measurable, meaningful, can be monitored and are useful in making decisions;

◊ goals are monitored to support the student's instructional success, and to make conclusions based on data available at the end of a goal period.

How do we do it?

There is no one way to establish a progress monitoring strategy. The IEP team needs to decide what data they will use to determine if the student is making progress on the goal. After the goal is written, the IEP team determines the measurement strategy and the decision making plan they will use to make decisions.

Determining Progress on Goals

There are four results the IEP team needs to consider for each goal. The questions following each result are simple, straightforward, and on the mind of everyone at the end of an IEP review period. The answers to these questions will influence future educational planning.

1) **Progress Conclusion**–Is the progress of the student towards this goal what the IEP team expected?
2) **Discrepancy Conclusion**–Is the performance of the student coming closer to that of peers?
3) **Independence Conclusion**–Is the student more independent in the goal area?
4) **Goal Status**–Will special education continue or discontinue services in this goal area?

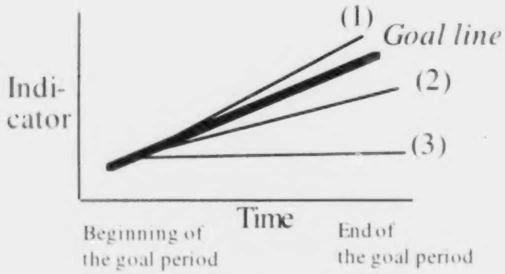
Progress Conclusion

At the end of the goal period, the IEP team formulates the progress conclusion. The progress conclusion is a judgment about the outcome of the intervention efforts as reflected by goal attainment. This judgment is possible when goals are written in a measurable form and information is systematically collected about change in the individual's performance.

A progress conclusion addresses the questions, "Compared to the goal projected at the time of IEP planning, how did the individual perform in this goal area?" and "Is the progress of the student toward this goal what the IEP team expected?"

There are four possible progress conclusions; three that describe results when data are available and one that describes situations where there is insufficient information for responsible decision-making. Using data collected during the annual goal period, consider the extent of attainment at the end of the goal period as it corresponds to the stated goal criterion.

The following graph illustrates three different levels of student performance, compared on a goal line— the darker line: (1) shows the student's performance level met or exceeded the expectation in the goal criterion, (2) shows the goal was not met but student performance improved, and (3) shows the goal was not met and the student's performance is moving away from the goal in an undesirable direction.



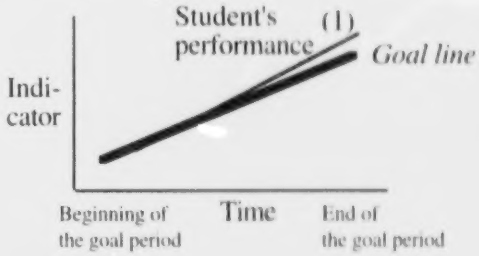
The IEP team reviews existing data and develops a conclusion. Based on this consideration, the team identifies the appropriate code for the progress conclusion. The outcome codes are 1-2-3-X:

1 = **Goal met or exceeded**: The student's performance is greater than predicted.
2 = **Goal not met but performance improved**: The student's performance reflects improvement, but at a rate less than designated by goal criterion.
3 = **Goal not met and performance did not improve or got worse**: The student's performance reflects little or no change from baseline performance, or is moving away from the goal in an undesirable direction.
X = **Insufficient data for professional decision-making.**

Examples:

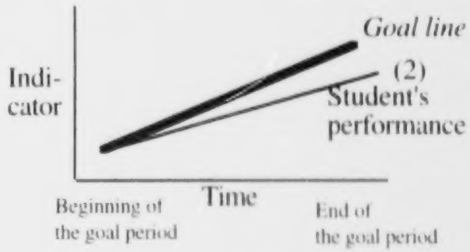
Wanda's social skills improved dramatically in response to a skill building program and systematic guided practice with feedback. Indicators of improvement supported a progress conclusion of 1, goal met or exceeded.

Wanda's social skills goal



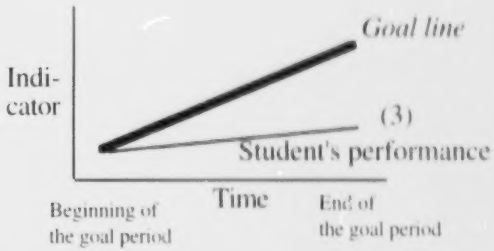
Jim, a fifth grader, expressed his intention to improve his reading. He wanted to disengage from resource room assistance. An ambitious goal was set at the beginning of the year. His performance improved across the year. The IEP team's progress conclusion was 2, goal not met but performance improved.

Jim's reading goal



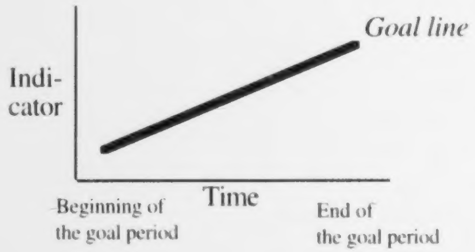
John received speech and language services because of his significant dysfluency. Despite quality professional services John's stuttering did not improve and, in fact, the problem became worsened— perhaps due to stresses within the home with his parents' divorce and as social difficulties occurred with friends at school. The progress conclusion was 3, goal not met and performance did not improve or got worse.

John's speech goal



Mary was in school and working on organizational skills. The goal criterion was specific and clear. However, as the year progressed, the data were not collected and at the end of the goal period the team decided there was insufficient information to make this conclusion. Therefore the IEP teams coded this as "X," insufficient data for professional decision making.

Mary's organizational goal



Discrepancy Conclusion

At the end of the goal period, the IEP team formulates the discrepancy conclusion. In order for the IEP team to make an informed decision at the end of a goal period, they need solid information based on a measurable goal.

The discrepancy conclusion is a comparison of the student with peers at two points in time, at the beginning of the IEP period and at the point of the annual review. If possible, the IEP team should use the same indicator used originally to establish an understanding of the discrepancy at the beginning of the goal period. Each discrepancy comparison takes into account the student's present level of educational performance (PLEP) and that of peers or other standards of acceptable performance. Standards include: local norms, Iowa norms, national norms, criterion of the next environment, instructional placement standards, developmental standards, classroom expectations, school policy standards, medical, and professional expectations.

A discrepancy conclusion addresses the questions, "Has the student's performance improved compared to peers in the goal area?" Also, "After receiving specialized instruction in the goal area, is the individual farther below the standard of acceptable performance, about the same distance from the standard of acceptable performance or catching up to the standard of acceptable performance?"

Develop a Discrepancy Conclusion. The IEP team compares the discrepancy at the beginning and ending of the goal period and then develops an opinion about the nature of the change. Based on this consideration, the team identifies the appropriate code for the discrepancy conclusion. The outcome codes are expressed letters: L (less), M (more), S (same), and X (insufficient data) as defined below.

L= Less discrepant from acceptable level of performance (indicates behavior is moving in a direction toward desired performance).

M= More discrepant from acceptable level of performance than at beginning of intervention (indicates behavior is moving in a direction away from the desired performance).

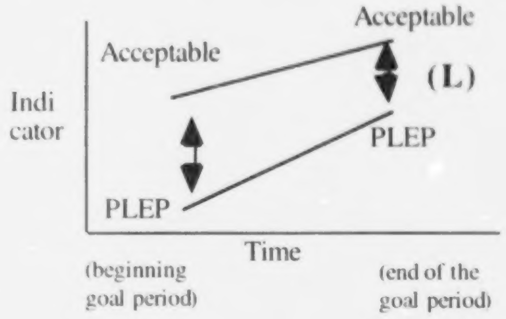
S= Same amount of discrepancy from acceptable level of performance as when intervention was begun (indicates behavior remains unchanged when viewed in comparison to the performance standard).

X= Insufficient information is available for professional decision making.

Examples:

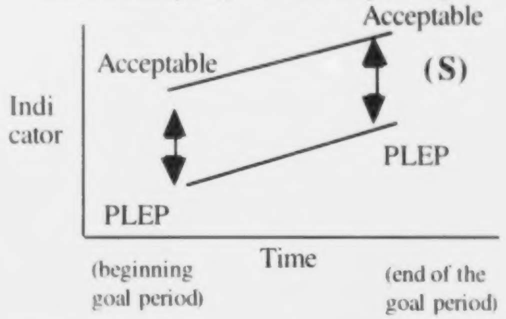
William's reading goal was monitored using oral reading fluency. There were district norms to facilitate peer comparison. The IEP team determined William was less discrepant (L) in reading at the end of the goal period.

Less Discrepant (William's reading goal)



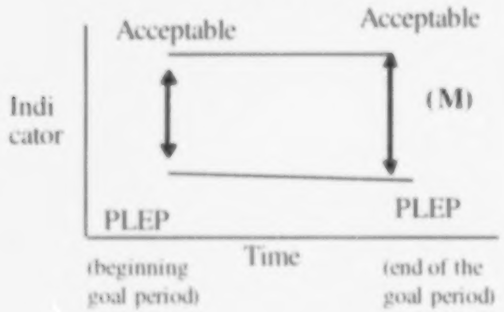
Shanna's speech goal related to language proficiency used the indicator of the number of words in a two minute story retell. Peer comparison data was collected. Shanna improved at the same rate as peers. The IEP team determined the discrepancy was the same (S) for Shanna in speech.

Same Discrepancy (Shanna's speech goal)



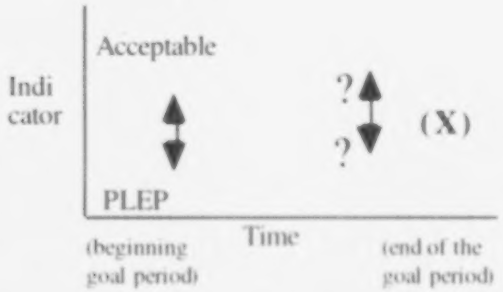
Jane's mobility goal was measured by the distance she walked in 2 minutes. Peer comparison data was taken in the school. Jane did not improve compared to her peers' criterion. The IEP team determined that this represented more discrepancy (M) for Jane in terms of her mobility rate.

More Discrepant (Jane's mobility goal)



Bill's social skills goal was designed to improve the rate of social interactions with peers. Social skills curriculum was use to provide needed competencies. The instructional component was carried out as planned but data was not collected and no peer comparison data were available at the end of the goal period. The IEP team concluded they could not make a professional decision and therefore code this "X".

Discrepancy unknown (Bill's social skills)



Independence Conclusion

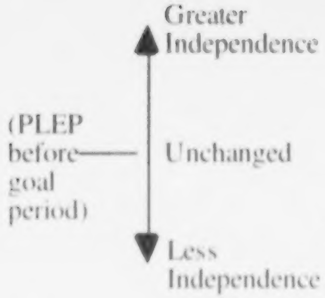
At the end of the annual goal period, the IEP team formulates the independence conclusion. The independence conclusion is a judgment about the outcome from the educational intervention efforts related to the IEP goal.

The independence conclusion is based on information available to the IEP team about the individual's performance improvement. Improvement in independence is reflected by the individual's increased autonomy in the educational goal area and is indicative of increased personal competence.

The conclusion about improved independence is based upon observations and experiences outside of special education— for example, parents, the general education teacher, and personnel in job sites who have an opportunity to see the individual's performance using the skills involved in the goal area.

An independence conclusion addresses the questions, "Is the student more independent?" Also, "After the provision of specially designed instruction, does the individual function with more, less, or the same level of independence as prior to special education provision?"

Review the Independence Prediction. Review the independence prediction established at the beginning of the goal period. At the end of the goal period, determine if the student's level of independence has changed. Visually, the concept looks like the following diagram:


Greater Independence
(PLEP before goal period)
Unchanged
Less Independence

The IEP team forms a conclusion based on data, observation, and experience with the student. Based on this consideration, the IEP team identifies the appropriate code for the independence conclusion. The independence codes are expressed as letters: G, U, L or X.

G= **Greater** The individual's independence in the goal area is meaningfully more than it was at the beginning of the goal period.

U= **Unchanged** The individual's independence in the goal area is about the same as it was at the beginning of the goal period (not meaningfully changed).

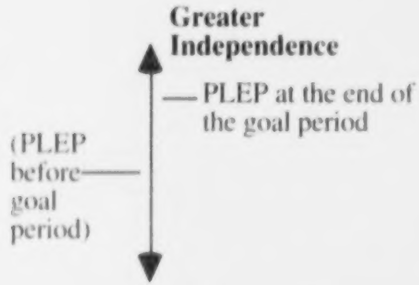
L= **Less** The individual's independence in the goal area is meaningfully less than it was at the beginning of the goal period.

X= **Insufficient information** is available for professional decision making.

Examples:

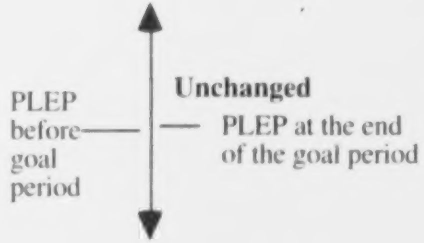
Martin's goal related to completing vocational assignments without prompts on his work experience. Performance on these tasks improved. The IEP team's independence conclusion was G, greater.

Martin's vocational goal


Greater Independence
PLEP at the end of the goal period
(PLEP before goal period)

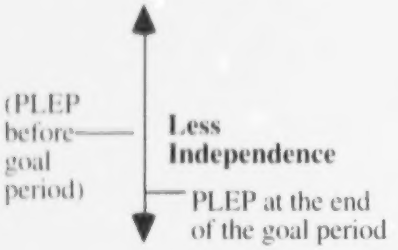
The need for José's IEP occurred as a result of a brain injury. The goal was to improve organizational and information tracking. This behavior was unresponsive to educational interventions and no demonstrable progress was made by the end of one year. The IEP team's independence conclusion was U, unchanged.

José's organizational goal


Unchanged
PLEP before goal period
PLEP at the end of the goal period

Kathy's mobility goal was designed to increase ambulation. New braces were applied and surgery was completed during the school year. Rates of mobility were impaired by these conditions. The IEP team determined that the independence conclusion was L, less.

Kathy's mobility goal



Goal Status:
The goal status summarizes the IEP team's decision about whether to continue or discontinue services in a goal area. A key question the IEP team needs to answer is, "Should special education continue to be provided in this goal area?"

Dis=	Discontinue special education services, student achieved successful performance
No Prog=	Discontinue special education services, student achieved no progress
Grad=	Discontinue special education services, student graduated
Con=	Continue special education services to increase success
MOA=	Discontinue, moved out of area

Results of Any Reevaluation

IDEA, Title 34 CFR, Sec. 300.536 Reevaluation.

Each public agency shall ensure—
(a) That the IEP of each child with a disability is reviewed in accordance with Secs. 300.340-300.350; and
(b) That a reevaluation of each child, in accordance with Secs. 300.530(b), 300.532, and 300.533, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

Determination of Needed Evaluation Data.

The IEP **team** shall review existing evaluation data. The review should include:

- ◊ Evaluations and information provided by the parents of the student;
- ◊ Current classroom-based assessments and observations; and
- ◊ Observations by teachers and related services providers.

The IEP team should include "qualified professionals," who have the knowledge and skills necessary to interpret the evaluation data, make an informed decision, and determine whether the student needs special education and related services. The composition of the team will vary depending upon the nature of the student's suspected disability and other relevant factors.

Based on the review, and on input from the student's parents, identify what additional data, if any, are needed to determine—

- Whether the student has a particular category of disability, or, in case of a reevaluation whether the student continues to have such a disability;
- The present levels of performance and educational needs of the student;
- Whether the student needs special education and related services, or in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general curriculum.

The parents need to give consent before any new test is conducted as part of a reevaluation. If the agency is unable to get parental consent because the parents do not respond and the agency can demonstrate reasonable attempts to contact parents, the evaluations may be conducted. If parents disagree, then due process procedures may be followed.

If there is a need for additional data, the public agency should administer tests and other evaluation materials as needed to produce the data needed.

If additional data are **not** needed:

> IDEA, Title 34 CFR, Sec. 300.533
>
> (1) the public agency shall notify the child's parents—
> (i) Of that determination and the reasons for it; and
> (ii) Of the right of the parents to request an assessment to determine whether the child continues to be a child with a disability.
> (2)The public agency is not required to conduct the assessment described in paragraph (c)(1)(ii) of this section unless requested to do so by the child's parents.

After reviewing the goals and evaluation data, the IEP team should develop a new IEP beginning with the PLEP.

How do we know we are doing it right?

- Goals are meaningful, measurable, able to be monitored, and lead to planful decision-making.
- There is evidence of a measurement strategy, and ongoing data collection and data analysis which drives decision-making.
- Parents receive reports of their child's progress toward goals as often as parents of nondisabled students receive progress reports.
- Members of the IEP team receive information about ongoing progress on the goals.
- Decisions are made based on the results of monitoring that positively reflect outcomes for all students.
- A review of the IEP is completed once every twelve months.
- The IEP is reviewed and revised whenever a change in placement is deemed necessary; whenever a significant change in the student's disability occurs; when progress monitoring shows that a student is not progressing as expected; and at the request of a parent or IEP team member.
- The IEP is an effective tool used to assist the student in achieving in the general curriculum.

Extended School Year Services

What are they?

Extended School Year Services (ESYS) are special education and related services that are provided to a child with a disability beyond the normal school year. An extended year program is provided in accordance with the IEP and is provided at no cost to the parent or child.

Each state may establish standards to determine, on an individual basis, whether a child with a disability needs an extended year program. In determining those standards the state must not limit the provision of extended year programs to particular categories of disability. The duration of services also must not be unilaterally limited. It must also be noted, that every child with a disability is not entitled to or must receive extended school year services.

All IEP-driven summer services are extended school year services, as long as they meet the following criteria:

- ◊ the IEP team identifies the need for summer services,
- ◊ that need is documented in the IEP,
- ◊ and the services are accessed or provided by the Local Education Agency or the AEA.

There should be no valid distinction between extended school year services and other "summer options." Any option made available to a student in response to his or her education needs during the summer months is regarded as an extended year program.

Why are they important?

The section of the law regarding extended school year services states:

> IDEA, Title 34 CFR, Sec. 300.309 Extended school year services.
>
> (a) General. (1) Subject to paragraph (a)(2) of this section, each public agency shall ensure that extended school year services are available to each child with a disability to the extent necessary to ensure that FAPE is available to the child.
> (2) The determination of whether a child with a disability needs extended school year services must be made on an individual basis by the child's IEP team, in accordance with Secs. 300.340-300.351.
> (b) Definition. As used in this section, the term extended school year services means special education and related services that—
> (1) Are provided to a child with a disability—
> (i) Beyond the normal school year of the public agency;
> (ii) In accordance with the child's IEP; and
> (iii) At no cost to the parents of the child; and
> (2) Meet the standards of the SEA.

1) By law, all students who are eligible for special education and related services must be considered for extended school year services.

A student is eligible for, and entitled to, extended year services to the full extent that he or she needs those services to secure an appropriate education. Eligibility is determined by individual need and guided by the criteria for an appropriate education. The extended program has the same procedural and substantive requirements as the IEP developed for the school year.

(2) All relevant information relating to the individual needs of the student must be considered.

All information relevant to the question of what constitutes an "appropriate" education for a student with disabilities must be considered as a basis for entitlement to an ESYS program under the IDEA and Iowa law.

(3) Parents have the right of full participation in the ESYS decision, and they must be fully advised of their rights.

Parents are entitled to a meaningful opportunity to participate in the discussion of their child's needs and the formulation of their child's educational plan. This means they are also entitled to a full explanation of ESYS rights and the procedures used to determine those rights. A decision regarding ESYS must be made at least 60 days before interruption of services. This advance notice allows parents to use due process procedures if necessary.

How do we decide if a student needs Extended School Year Services?

At least 60 days prior to the end of the school year, a decision should be made at the IEP meeting regarding whether a student needs extended school year services.

Iowa has developed three main components upon which the IEP team should base their considerations regarding the provision of extended school year services, they are:

(1) the concept of "critical skills";

(2) the "regression-based" criterion; and

(3) the "rare and unusual circumstances" criterion.

The Concept of Critical Skills:

Critical skills represent knowledge or performance that is essential to the progress of the student. Critical skills are defined by the needs of the student, his or her goals, and progress indicators. They are different for each child. Each IEP team needs to identify on an individual basis, the critical skills of a student.

- ◊ Identification of critical skills is the first step in the ESYS decision process.
- ◊ The identification of critical skills does not, in and of itself, establish or preclude the need for extended school year services.

Regression-based Criterion:

- ◊ Regression analysis is considered.
- ◊ Extended school year services are not limited to students who have actually experienced serious regression.
- ◊ Information considered is not limited only to empirical data.

- All relevant data is considered.
- Consideration is given to whether the student's disability is such that he or she cannot reasonably suffer any significant regression.
- The nine-week recoupment period is interpreted flexibly in light of the needs of the individual student.

Rare and Unusual Circumstances Criterion:

- ESYS is provided when the student is in a "critical stage" of development–when there is a "window of opportunity" that will be lost if services are not provided.
- ESYS is provided when extended school year services will significantly enhance a student's ability to function independently.
- ESYS is provided when continuous or year-round treatment is an integral part of the methodology deemed to be appropriate for the student.
- ESYS is provided when there are special needs for summer services arising out of a student's individual circumstances.

These three areas can be addressed specifically by the IEP team if they answer the following critical questions:

- Will acquisition or maintenance of the skill significantly enhance the student's ability to function?
- Does the skill represent a barrier to continuous progress or self-sufficiency?
- Is there significant information that leads the team to believe that there would be a regression of skills necessitating extended recoupment time if extended school year services are not provided? (Although 9 weeks or more has been considered "extended recoupment time," the IEP team should determine on an individual basis what is realistic for each student.)
- If the student has not yet experienced regression, does the IEP team believe that serious potential for regression exists?
- Is the student at a critical stage in development where the "window of opportunity" will be lost if the student does not receive services?
- Is continuous or year-round treatment an integral part of the methodology deemed appropriate for the student?
- Are there unusual circumstances which are a possible factor for extended school year services?

According to best practice, if the IEP team answers "yes" to any of the above questions, then extended school year services should be given serious consideration. However, an answer of "yes" does not mean the student is in need of ESYS, but it does mean that the IEP needs to consider the information in their review. Once a decision regarding the provision of extended school year services has been reached by the team, it should be documented on the IEP.

How do we know we are doing it right?

The following should occur for a student who has been identified as having a need for extended year services:

- An IEP meeting is held 60 days prior to the end of the school year.
- The IEP team identifies goals/short-term objectives/benchmarks for extended year services.
- Special education services are defined.
- A monitoring system is established.
- Review date is set for the evaluation of services.

Example of Extended School Year Services Provided to a Student

PLEP: (Excerpt) Tim speaks in one word utterances that are 45% intelligible. He will begin jabbering and then the final part will be the word he wants to say. He can name his family and his peers in the classroom. He is beginning to put 2 word phrases together. Fifteen percent of his sentences contain 2 or more intelligible words. He can imitate 2 to 3 word phrases with 75% accuracy. When he is not understood, he does not become frustrated. He will repeat what he said before and then will try to show the person what he wants. When he talks with an adult, he will only label something and not describe it. He does use the words cracker, drink, book, eat, more, and play as labels of objects and as actions, but does not combine them with other words. Tim's mean length of utterances is 1.5 words and consists of primarily a noun. Tim has a vocabulary of approximately 75 words.

Annual Goal: In 6 weeks, Tim will communicate with peers and adults at an age appropriate level by initiating conversation with peers 3 times in a day in preschool for 5 consecutive days.

Short-term Objectives:

1. Tim will use sentences of 2 words or more 95% of the time.
2. Tim will expand his word vocabulary bank to 150 words.

Critical Skill Identification: Tim is at a developmental level where his language acquisition is critical to his development. Tim has made good gains in the area of his language development and the team feels that Tim will need to receive services through the summer in order to maintain these critical language skills. Tim's ability to communicate is felt to be of concern for his future educational programming.

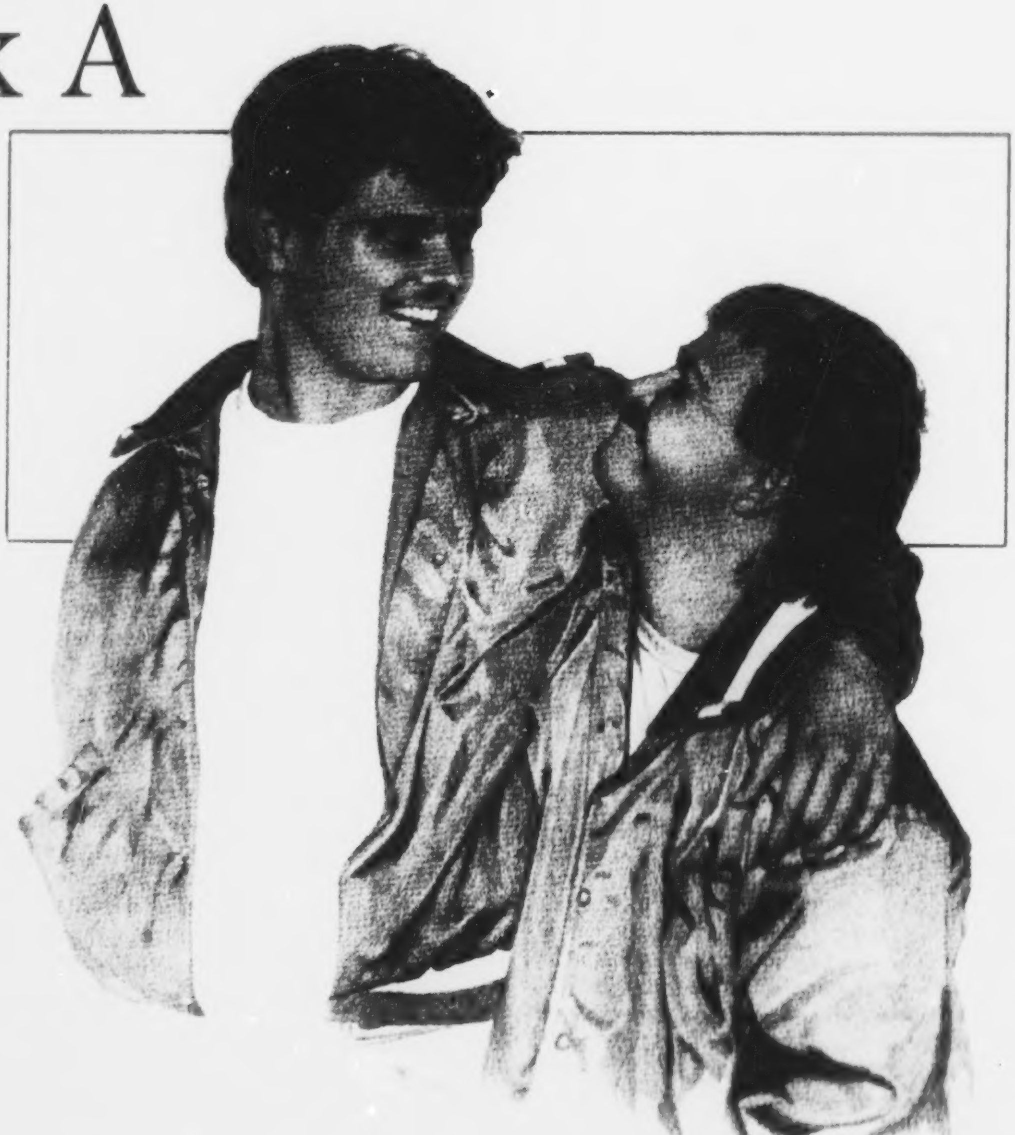
Determination of Need for ESYS:

A. In order for Tim to fully benefit from his academic program, he will continue to need to use language skills. This is felt to best be provided through a summer school program with speech-language support.

B. The team feels that if Tim is not consistently exposed to language enriching activities he will regress in his progress. During the last school break of 2 weeks, Tim's language skills decreased. His teacher noticed that he was not talking as much and that his sentences were shorter. It took over 3 weeks before Tim was back to the level he was at prior to the 2 week break.

Recommended ESYS program:
Tim is recommended for an early childhood summer program. It will be for 6 weeks, 3 half days a week. Tim will receive 30 hours of speech-language therapy in that program. This program will be offered through a neighboring district and his district will provide transportation to and from the program.

Appendix A



IOWA DEPARTMENT OF EDUCATION

Parental Rights in Special Education

December 1997

Pending approval by the U.S. Department of Education

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Department of Education
Grimes State Office Building
Des Moines, Iowa

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If you have questions or grievances related to this policy, please contact Deb Van Gorp, Chief, Bureau of Administration, Instruction, and School Improvement, Grimes State Office Building, Des Moines, Iowa 50319, (515)281-5811.

Iowa Department of Education

Parental Rights in Special Education

Introduction

As parents of infants, toddlers, children, or young adults who are receiving or who might receive special education, you have certain rights that are guaranteed by state and federal law. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum:

- upon initial referral for evaluation,
- upon each notification of an Individualized Education Program (IEP) meeting,
- upon reevaluation of the child, and
- upon receipt of a request for a due process hearing.

[IDEA Section 615(d) and 34 CFR 300.504, and Iowa Administrative Rules of Special Education (Chapter 41)].

These rights and procedural safeguards are listed in this brochure.

If you would like further explanation of your rights, contact any of the following.

- Your local school district Superintendent
- Your Area Education Agency (AEA) Director of Special Education
- Your local AEA Parent-Educator Connection program
- Bureau of Special Education, Iowa Department of Education
  Grimes State Office Building, Des Moines, Iowa 50319-0146
  phone 515/281-3176, fax 515/242-6019
- SEEK Parent Center (Supporting Educational Equity for Kids)
  Iowa Parent Training and Information Center
  phone 515/276-8470
- Other advocacy organizations, such as Iowa Protection and Advocacy, Inc.
  phone 515/278-2502

Both you and the school district share in the education of your child. If you or the school have concerns about the education of your child, you and your child's teacher should hold early and open discussions about the issues. If your child has a disability, you are urged to become actively involved in the development of your child's Individualized Education Program (IEP).

Note: Legal citations refer to:

- the Individuals with Disabilities Education Act (IDEA), and
- Title 34, Code of Federal Regulations (34 CFR), Part 300, Assistance to States for Education of Children with Disabilities.

Iowa Department of Education

Parental Rights in Special Education

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Iowa Department of Education

Parental Rights in Special Education

Independent educational evaluation

Parents must have an opportunity to obtain an independent educational evaluation of their child with a disability at public expense, if the parent disagrees with an evaluation obtained by the public agency. Each public agency must provide to parents, on request, information about where an independent educational evaluation may be obtained.

An "independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency (school district or AEA) responsible for the education of the child in question. "Public expense" means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to the parent. If at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation. Outside of these, a public agency may not impose other conditions or timelines related to obtaining an independent educational evaluation at public expense.

If a parent requests an independent educational evaluation at public expense, the agency must, without unnecessary delay, either initiate a hearing to show that its evaluation is appropriate or ensure an independent educational evaluation is provided at public expense unless the agency demonstrates in a hearing before an administrative law judge that the evaluation obtained by the parent did not meet agency criteria. If the agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense. The results of the evaluation must be considered by the agency, if the evaluation meets agency criteria, in any decision made with respect to the provision of a free, appropriate public education (FAPE) to the child, and the results may be presented as evidence at a hearing. [615(b)(1); 34 CFR 300.502(a)-(c)]

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation. [34 CFR 500.502(e)]

If a parent requests an independent educational evaluation at public expense, there is no requirement under Part B of IDEA that the parent specify areas of disagreement with the public agency's evaluation as a prior condition to obtaining the independent educational evaluation. Thus, unless a public agency chooses to initiate a due process hearing, the agency must respond to the parent's request by ensuring an independent educational evaluation is provided at public expense in a timely manner. A public agency may not impose conditions on obtaining an independent educational evaluation, other than the agency criteria described previously. [34 CFR 300.502, Note 1]

Prior written notice

The agency must provide written notice to the parents of the child within a reasonable time before the agency proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. [615(b)(3)] The agency must ensure that the notice is written in language understandable to the general public and in the parent's native language or other mode of communication, unless it is clearly not feasible to do so. If the parent's native language or other mode of communication is not a written language, the agency must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, so that the parent understands the content of the notice.

There must be written evidence that the requirements in this paragraph have been met. [615(b)(4); 300.503]

The notice must include:

1. a description of the action proposed or refused by the agency;
2. an explanation of why the agency proposes or refuses to take the action;
3. a description of any other options that the agency considered and the reasons why those options were rejected;
4. a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
5. a description of any other factors that are relevant to the agency's proposal or refusal;
6. a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
7. sources for parents to contact to obtain assistance in understanding the provisions of this part; and
8. a statement informing the parents about three possible options to resolve differences:
    a. complaint procedures, including a description of how to file a complaint and the timelines under those procedures (see the "Opportunity to present complaints" section of this brochure),
    b. preappeal procedures (see the "Opportunity to present preappeals" section of this brochure), and
    c. due process hearings (see the "Due process hearings" section of this brochure).

Parental consent

The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability must obtain an informed consent from the parent before the evaluation is conducted. Parental consent for initial evaluation shall not be construed as consent for initial placement or receipt of special education and related services. If the parents of the child refuse consent for initial evaluation, the agency may continue to pursue those evaluations by using Iowa's mediation and due process procedures. [614(a)(1)(C); 34 CFR 300.505]

"Consent" means:

1. that the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, and
2. the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and
3. the consent describes that activity and lists the records (if any) that will be released and to whom, and
4. that the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked by the parent at any time. [34 CFR 300.500]

However, a parent's revocation of consent is not retroactive in effect. [34 CFR 300.500, Note] For example, if the parent grants consent for an evaluation, and after the evaluation is completed, the parent revokes consent for evaluation, the IEP Team would still be able to consider the results of that evaluation in making decisions about the child's program and placement. [34 CFR "Regulation Summary," p. 55043]

"Evaluation" means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class. [34 CFR 300.500]

Each local educational agency must obtain informed parental consent prior to conducting any reevaluation of a child with a disability, except that such informed parent consent need not be obtained if the local educational agency can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. Parent consent is required only before conducting a new test as a part of a reevaluation. Consent is not required before reviewing existing data about the child. [614(c)(3); 34 CFR "Regulation Summary," p. 55045 and 300.505]

Access to educational records

Parents of a child with a disability shall have an opportunity to examine all records relating to the child. This includes inspection and review of all education records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free, appropriate public education to the child. [615(b)(1); 34 CFR 300.501 (a)(1)]

Parents have the right to give or withhold consent to the sharing of their child's records with persons not involved in the education of their child, to inspect and review only information relating to their child, to request that information in their child's special education records be destroyed and to be informed if the school district or AEA proposes to destroy information in their child's special education records. [34 CFR 300.571, 300.564, 300.573]

The agency must comply with a request to inspect and review all education records without unnecessary delay and before any meeting regarding an IEP or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of a free, appropriate public education to the child, and in no case more than 45 calendar days after the request has been made. The parent has the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records, the right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records, and the right to have a representative of the parent inspect and review the records. An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce. [34 CFR 300.562(a)-(c)] Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency. [34 CFR 300.565] Each participating agency may charge a fee for copies of records if the fee does not effectively prevent the parents from exercising their right to inspect and review the records. [34 CFR 300.566(a)] A participating agency may not charge a fee to search for or to retrieve information. [34 CFR 300.566(b)]

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing conducted by the agency. The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing would be provided by the district or AEA and not by the State, in accordance with Family Educational Rights and Privacy Act (FERPA). [34 CFR 99.22, and 300.567-300.568]

Opportunity to present request for a preappeal conference, a mediation, a due process hearing, or for complaint investigation by the Iowa Department of Education

Under federal and Iowa law, the parents of a child with a disability, as well as other agencies and parties, have the opportunity to:

- *request a preappeal conference,*
- *request a mediation,*
- *request a due process hearing, or*
- *file a complaint that will be investigated by the Department of Education (DE).*

In federal law or in the regulations, both the request for the DE to arrange a due process hearing and the request for DE to investigate a complaint are defined as "complaints." For the sake of clarity, the word "complaint" will be used here only in reference to a request for the DE to investigate a complaint, and will not be used in reference to a request for a due process hearing.

REQUEST FOR A PREAPPEAL CONFERENCE

A preappeal conference is a proven beneficial way to resolve differences between parents and the district or AEA. It is a process that promotes communication, mutual respect, and identification of common ground. The desired outcome of the preappeal conference is a written agreement that is appropriate for the child's individual needs, and is acceptable to all parties. A preappeal is conducted the same as a mediation, except that a mediation is offered after a party requests a due process hearing. For that reason, a preappeal may be less adversarial and less confrontational than a mediation since, with a mediation, a due process hearing date is looming.

A parent, a district, or an area education agency may request a special education preappeal conference on any decision relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education. Participation is voluntary. A letter requesting a preappeal conference must be mailed to the Iowa Department of Education. The letter must identify the student, district, and AEA, and describe the issues or concerns. The conference will be scheduled and held at a time and place reasonably convenient to all parties involved. A mediator for the preappeal will be provided by the Department. If the results are not satisfactory, a party may still request a mediation, request a due process hearing, or request the DE investigate a complaint.

REQUEST FOR A MEDIATION

A mediation process shall be available whenever a hearing is requested in an attempt to resolve disputes. The mediation process is voluntary on the part of the parties, will not be used to deny or delay a parent's right to a due process hearing or to deny any other rights under Part B of IDEA, and will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. Parents who choose not to use the mediation process will be given the opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center, or with an appropriate alternative dispute resolution entity, to encourage the use and explain the benefits of the mediation process to the parents. Each session in the mediation process must be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. An agreement reached by the parties must be set forth in a written mediation agreement. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the mediation process. [615(e); 34 CFR 300.506]

REQUEST FOR A DUE PROCESS HEARING

A parent or public agency may initiate a hearing on any of the matters described under the "Prior written notice" section of this brochure and relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free, appropriate public education to the child.

When a hearing is initiated, the Iowa Department of Education (DE) must inform the parents of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, either if the parent requests the information, or if the parent or the agency initiates the hearing.

The request for a state-level hearing must include the following information:

1. The name and address of the residence of the child;
2. The name of the school the child attends;
3. A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem; and
4. A proposed resolution of the problem to the extent known and available to the parents at the time.

[615(b)(6); 34 CFR 300.507]

A hearing may not be conducted by a person who is an employee of the Iowa Department of Education, or of the AEA or school district that is involved in the education or care of the child, or by any person having a personal or professional interest that would conflict with his or her objectivity in the hearing. However, a person who otherwise qualifies to conduct a hearing is not considered an employee of the agency solely because she or he is paid by the DE to serve as an administrative law judge. The DE must keep a list of the persons who conduct hearings as administrative law judges, and the list must include a statement of the qualifications of each of those persons. [34 CFR 300.508]

Any party to the hearing has the right to:

1. be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
2. present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing; and
4. a written, or, at the option of the parents, electronic verbatim record of the hearing.

At least five business days prior to a hearing, each party must disclose to all other parties all evaluations completed by that date and recommendations based on the evaluations that the party intends to use at the hearing.

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present, and to open the hearing to the public.

The record of the hearing and the findings of fact and decisions must be provided at no cost to parents. The public agency must, after deleting any personally identifiable information, make the findings and decisions available to the public. [615(f), (h), and (i)(1)(B), 617(c); 34 CFR 300.509]

Not later than 45 calendar days after the receipt of a request for a hearing, a final decision is reached in the hearing, and a copy of the decision is mailed to each of the parties. An administrative law judge may grant specific extensions of time beyond this, at the request of either party. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved. [34 CFR 300.511]

REQUEST FOR INVESTIGATION OF A COMPLAINT

An organization or individual may file a signed written complaint with the State Department of Education (DE). The complaint must include a statement that a public agency has violated a requirement of Part B of IDEA or of 34 CFR 300, and the facts on which the statement is based. The complaint must allege a violation occurred not more than one year prior to the date that the complaint is received by the DE, unless a longer period is reasonable because the violation is continuing or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received. [34 CFR 300.662]

Within 60 calendar days after a complaint is filed, the State must carry out an independent on-site investigation if the DE determines that such an investigation is necessary; give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of IDEA or 34 CFR 300. The DE must issue a written decision to the complainant that addresses each allegation in the complaint and includes findings of fact and conclusions, and the reasons for the DE's final decision. The time limit may be extended only if exceptional circumstances exist. [34 CFR 300.661]

The child's placement during pendency of preappeals, mediations, and hearings

During the pendency of any proceedings (preappeals, mediations, and hearings), unless the State or local educational agency and the parents otherwise agree, the child must remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, must, with the consent of the parents, be placed in the public school program until all such proceedings have been completed. Unless the parents and agency agree otherwise, a child's placement must not be changed during a proceeding. [615(j); 34 CFR 300.514, 300.524, 300.526]

If a parent requests a hearing regarding a disciplinary action to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the administrative law judge or until the expiration of the time period provided for in

34 CFR 300.520-300.521 (described in the "Procedures for interim alternative educational setting," below), whichever occurs first, unless the parent and the State or local educational agency agree otherwise. If a child is placed in an interim alternative educational setting, and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except in the case of an expedited hearing, which is also described below under "Procedures for interim alternative educational setting." [34 CFR 300.526(a)-(b)]

Procedures for students who are subject to placement in an interim alternative educational setting

School personnel may order the removal of a child with a disability from the child's current educational placement to an appropriate interim alternative educational setting, another setting, or suspension, including a suspension without the provision of educational services, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 calendar days if (1) the child carries a weapon to school or to a school function under the jurisdiction of a State or local educational agency, or (2) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency. [34 CFR 300.520]

Either before or not later than 10 business days after taking such disciplinary action, if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the suspension, the agency must convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior. If the child already has a behavioral intervention plan, the IEP Team must review the plan and modify it, as necessary, to address the behavior. If the child with a disability is removed from the child's current educational placement for 10 school days or fewer in a given school year, and no further removal or disciplinary action is contemplated, these activities need not be conducted. [34 CFR 300.520]

The alternative educational setting must be determined by the IEP Team, and must be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP, and will include services and modifications designed to address the behavior (or any other behavior that results in the child being removed from the child's current educational placement for more than 10 school days in a school year) so that it does not recur. [34 CFR 300.522]

If a disciplinary action is contemplated for a behavior of a child with a disability, or if a disciplinary action involving a removal of a child from the child's current educational placement for more than 10 school days in a given school year is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children, not later than the date on which the decision to take that action is made, the parents must be notified of that decision and of all procedural safeguards accorded under this section, and immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted by the IEP Team and other qualified personnel of the relationship between the child's disability and the behavior subject to the disciplinary action. [34 CFR 300.523]

[615(k); 34 CFR 300.520, 300.521, 300.522, 300.523, 300.526]

The IEP team may determine that the behavior of the child was not a manifestation of the child's disability only if:

(1) the IEP Team first considers, in terms of the behavior subject to disciplinary action, all relevant information, including evaluation and diagnostic results, including the results or other relevant information supplied by the parents, observations of the child, and the child's IEP and placement; and

(2) then determines that in relationship to the behavior subject to disciplinary action,

- the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
- the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action;
- and the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

If the IEP Team determines that any of the standards in (2) above were not met, the behavior must be considered a manifestation of the child's disability. This review may be conducted at the same IEP meeting at which the alternative interim placement is determined. [34 CFR 300.523]

If the result of the review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities. If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action. [34 CFR 300.524(a)-(b)]

If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing. The State must arrange for an expedited hearing in any case if requested by a parent. In reviewing a decision with respect to the manifestation determination, the administrative law judge must determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability, using the standards described above. [34 CFR 300.525]

Expedited due process hearings must result in a decision within ten business days of the request for the hearing, unless the parents and school officials otherwise agree; meet all other requirements for due process hearing, with the exception that DE may reduce to two days the timeline of five days prior to hearing for introduction of evidence and other information; are conducted by an impartial due process administrative law judge; and are appealable under the State's normal due process appeal procedures. [34 CFR 300.528]

An administrative law judge may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 calendar days if the administrative law judge, in an expedited due process hearing, determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others; considers the appropriateness of the child's current placement; considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and determines that the interim alternative educational setting meets the requirements of 34 CFR 300.522, described above. [34 CFR 300.521]

Requirements for unilateral placement by parents of children in private schools at public expense

A local educational agency is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents made a unilateral decision and elected to place the child in the private school or facility. [34 CFR 300.403(a)]

If the parents of a child with a disability who previously received special education and related services under the authority of a public agency enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or an administrative law judge may require the agency to reimburse the parents for the cost of that enrollment if the court or an administrative law judge finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment. [612(a)(10)(C), 34 CFR 300.403(c)]

The cost of reimbursement may be reduced or denied if:

1. the parents did not inform the IEP Team at the most recent IEP meeting, or give written notice 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense, or
2. prior to the parents' removal of the child from the public school, the public agency informed the parents through prior written notice requirements of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation [notice described in section 615(b)(7) and 34 CFR 300.503], or
3. upon a judicial finding of unreasonableness with respect to actions taken by the parents.

Reimbursement to parents may not be reduced or denied for failure to provide notice to the school if: the parent is illiterate and cannot write in English, continued placement in public school would be likely to result in physical or serious emotional harm to the child, the school prevented the parent from providing notice, or the parents had not received written notice of their responsibility to provide notice to the school district.

Disagreements between a parent and a public agency regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures described below. [34 CFR 300.403]

Civil actions

Any party aggrieved by the findings and decision in a hearing shall have the right to bring a civil action with respect to the issues presented, in any State court or in a district court of the United States. In any action brought, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of one of the parties; and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate. [615(i)(2); 34 CFR 300.512]

The decisions rendered by an administrative law judge on expedited due process hearings are appealable under the DE's normal due process appeal procedures. [34 CFR 300.528]

Attorneys' fees

In any action or proceeding, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party. [34 CFR 300.513] Fees awarded shall be based on rates prevailing in the community for the kind and quality of services furnished. Attorneys' fees may not be awarded and related costs may not be reimbursed for services performed subsequent to the time of a written offer of settlement to a parent if the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, if the offer is made at any time more than 10 calendar days before the proceeding begins, the offer is not accepted within 10 calendar days, and the court or administrative law judge finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement. Attorney's fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action. [615(i)(3)(B)-(G)]

Sample form for filing a request for a preappeal under IDEA, Part B

I, ______________________________, am requesting a preappeal conference.
(your name)

______________________________	______________________________
Child's name	Parent's name
______________________________	______________________________
Address of the residence of the child	Parent's address
______________________________	______________________________
Child's resident district, school, and AEA (and district and/or AEA child attends if different)	Parent's phone number

This problem results from the:	proposal to initiate or change:	refusal to initiate or change:
	___ the child's identification	___ the child's identification
	___ the child's evaluation	___ the child's evaluation
	___ the child's educational placement	___ the child's educational placement
	___ provision of a free appropriate public education to the child	___ provision of a free appropriate public education to the child

Describe the following (use additional sheets of paper if more space is needed)

The nature of the problem relating to the proposal or refusal indicated above:

The facts of this case relating to the above problem:

Your proposed resolution of the problem:

I hereby swear that the foregoing is the full truth as I know it.

______________________________	______________________________
Address and phone number of person filing request, if not parent	Position/role of person filing request, if not parent *(for example: superintendent, principal, attorney)*

Send the completed form to:

Director, Iowa Department of Education
Grimes State Office Building
Des Moines, IA 50319-0146

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Sample form for filing a request for a due process hearing under IDEA, Part B

I, ______________________________ , am requesting a hearing before a State Administrative Law Judge.
(your name)

____
Child's name

____
Parent's name

____
Address of the residence of the child

____
Parent's address

____
Child's resident district, school, and AEA
(and district and/or AEA child attends if different)

____
Parent's phone number

This problem results from the:

proposal to initiate or change:
- ___ the child's identification
- ___ the child's evaluation
- ___ the child's educational placement
- ___ provision of a free appropriate public education to the child

refusal to initiate or change:
- ___ the child's identification
- ___ the child's evaluation
- ___ the child's educational placement
- ___ provision of a free appropriate public education to the child

Describe the following (use additional sheets of paper if more space is needed)

The nature of the problem relating to the proposal or refusal indicated above:

The facts of this case relating to the above problem:

Your proposed resolution of the problem:

I hereby swear that the foregoing is the full truth as I know it.

I/we agree to participate in a mediation process: ___ YES ___ NO
(This will not delay or deny the opportunity for a hearing.)

____
Address and phone number of person filing request, if not parent

____
Position/role of person filing request, if not parent
(for example: superintendent, principal, attorney)

Send the completed form to:

Director, Iowa Department of Education
Grimes State Office Building
Des Moines, IA 50319-0146

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Sample form for filing a complaint

A complaint process can be used when you believe a district or area education agency ***violated a requirement*** of Part B of the Individuals with Disabilities Education Act (IDEA). (The complaint process is not the avenue to use when you are having differences of opinion with educators, such as the type of reading program to use or the amount of support services you believe should be provided for a child. For information resolving differences of opinion, see the "Opportunity to present preappeals" and "Due process hearings" sections of this brochure.)

Identify the agency or agencies that you believe have violated a requirement of Part B of the Individuals with Disabilities Education Act: ____.

If child-specific, name of child: ______________________________.

The facts on which the statement if based: (Use additional sheets of paper if more space is needed.)

This alleged violation occurred not more than one year prior to the date that the complaint is received by the Department of Education: ___ YES ___ NO

If the alleged violation occurred more than a year prior to the date that the complaint is received by the Department of Education:

_____ I believe a longer period is reasonable because I believe the violation is continuing,

OR

_____ I am seeking compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.

______________________________	______________________________
Organization or person filing the complaint	Address
______________________________	______________________________
Contact person, if organization	Telephone number or other method of contact

Send the completed form to:

Director, Iowa Department of Education
Grimes State Office Building
Des Moines, IA 50319-0146

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Steps to Building Consensus

Consensus is an agreement in which each side makes compromises. It may be difficult to reach consensus, but it is well worth the effort. Partnerships are formed in this way. It is also a procedure in which others provide information you may not have.

- First, identify the most important issue of disagreement. Define/describe the problem. Sometimes we flounder in general disagreement or confusion about a decision until someone "sharpens" the conflict by pointing out where the most basic point of contention lies. Focusing on the issue is a necessary step to understanding and dealing with diagreement.

- Listen to others, they may have information you do not.

- Determine which areas you can compromise or "give up" on, and don't get stuck defending them to the death because you hate to give in. On the other hand, don't offer to compromise in areas that are very important to you, just to be a good sport. If you agree to a decision unwillingly, or allow someone else to do so, you won't really be committed to the agreement.

- Brainstorm alternative solutions. List as many as you can.

- Consider each alternative. List and weigh the pros and cons of each.

- Discuss the pros and cons and select the alternative which minimizes the cons and maximizes the pros. To help you do this, you might want to think of ways to "solve" the cons.

- Throughout the process, get input from all team members; discuss the problem and alternative solutions until you find an alternative which can be supported by all. Once you reach group consensus, congratulate yourselves on your success!

Role of the Facilitator and Recorder*

The role of **facilitator** is important in supporting good meeting process. The primary roles of the facilitator according to Chang & Kehoe are to:

- keep the group on task
- ensure that all IEP team members participate
- manage the verbal behaviors of people (help individuals know when to give up the floor, keep the discussion moving smoothly)
- keep track of the agenda and the amount of time spent on agenda items
- suggest alternate methods and process when those suggested on the agenda are not working
- protect people and their ideas from being attacked
- deal with difficult people
- remain neutral during conflicts

The role of **recorder** is intrinsically tied to the success of the IEP meeting. Documentation of the discussion at an IEP meeting is essential, especially when key people have been unable to attend. The recorder must keep an accurate record of what was discussed and decided at an IEP meeting.

The roles of the recorder according to Chang & Kehoe are to:

- capture ideas visually without editing or paraphrasing
- regularly check to ensure appropriate information has been recorded
- help the facilitator keep track of information
- produce the meeting minutes

Chang and Kehoe also offer some tips and techniques for being an effective recorder:

- Ask for clarification when you need to make sure you have the right information.
- Write only the key words and phrases. You don't need to get every word, like a court stenographer.
- Try to use the words expressed, not your own interpretation.
- Write legibly (print about 2-3" high) on a flip chart or whiteboard, in full view of meeting participants.
- Circle or underline key ideas, phrases, decisions, or action items.
- Number all charts to help maintain order and flow of information.
- Don't eliminate ideas or phrases just because you don't agree.
- If the meeting is long and technical, have the group review recorded notes periodically.

*(Chang & Kehoe (1994), p. 44-49)

Example of Ground Rules*

Don't interrupt when another Participant "has the floor."

Don't criticize the ideas of others.

Build on the ideas shared by others.

Remain open-minded and non judgmental.

Start and end the meeting on time.

Everyone participates, no one dominates.

Complaints are okay
when they come packaged with a solution.

Make compromises when necessary.

The Facilitator is empowered to enforce ground rules.

Stick to the Agenda and time frames.

* Chang & Kehoe, (1994), p. 42

Constructing an Agenda for an IEP Meeting

An agenda should outline the way a meeting should proceed. It should guide the discussion and use familiar terms and phrases that everyone can understand. It is important that it be in a logical sequence.

At an IEP meeting, there are some basic questions upon which the agenda should be built:

1. What do we know about the student and his or her progress?
2. What do we want to help the student accomplish? What are the student's goals? What are our goals for the student?
3. How will we know if we are being successful?
4. What kind of support can we provide the student?
5. What types of services will we provide?

Sample
Post-Meeting Satisfaction Survey

1. Has the IEP team meeting been helpful in planning the child's educational program?

   very little 1 2 3 4 5 very much

2. Can the goals set for the child be accomplished during the current school year?

   definitely not 1 2 3 4 5 definitely yes

3. Did you have all of your questions concerning the child answered a the IEP meeting?

   definitely not 1 2 3 4 5 definitely yes

4. Are you satisfied with the placement decision?

   definitely not 1 2 3 4 5 definitely yes

5. Can the school system offer the resources to effectively implement the IEP?

   definitely not 1 2 3 4 5 definitely yes

6. As a result of the IEP meeting, do you have a better understanding of the child?

   definitely not 1 2 3 4 5 definitely yes

7. Do you have a definite responsibility in achieving the goals of the IEP?

   definitely not 1 2 3 4 5 definitely yes

8. Do you feel that your time at the meeting was well spent?

   definitely not 1 2 3 4 5 definitely yes

Sample
Post-Meeting Satisfaction Survey (Cont'd)

9. In thinking back about the conversation at the meeting, what were the topics most frequently discussed? What were the topics most infrequently discussed? Please list in priority order:

Most frequently discussed:	Least frequently discussed:
1.	1.
2.	2.
3.	3.

10. Which participant talked the most?

11. Which participant talked the least?

12. Approximately how many IEP meetings have you attended in the past?

13. How much influence do you think you had in defining the child's curriculum?

Facilitating Participation: Parents' Perceptions of Their Involvement in the IEP/Transition Planning Process*

Factors Enhancing Parent Participation

Factors enhancing parent/professional relationships:

- Parents and school personnel have an established and ongoing relationship
- Parents and representatives of adult services agencies have ongoing opportunities to meet and interact
- Teachers indicate that they know the interests and needs of parents' sons/daughters
- Teachers use specific strategies to encourage active parent and student participation

Factors enhancing communication among parents, school and agency personnel:

- Communication is constant and open
- Communication centers on shared goals for the student
- Parents are knowledgeable re: IEP/transition planning process
- Parents are informed of legal rights and responsibilities
- Parents are informed of community resources

Factors Inhibiting Parent Participation

Factors contributing to unsatisfactory parent/professional relationships:

- Teachers and/or adult services representatives fail to attend, or leave meetings
- Team membership changes frequently
- Professionals do not appear to listen to parents
- Professionals are not prepared to answer questions and/or seem to lack knowledge regarding community resources

Factors contributing to a sense that IEP/transition planning meetings are predetermined:

- Parent input is not requested prior to meeting
- IEP/transition goals and objectives appear to have been decided on or written prior to meeting
- School and/or agency personnel seem to control meeting agenda and discussion

Barriers related to the language and legal aspects of IEP/transition planning:

- Teachers have not fully explained the purpose of transition planning
- Language of IEP/transition plan is unclear
- Legal nature of the IEP makes it difficult to state goals and objectives in language that reflects student needs and interests

*Excerpt from *Facilitating Participation: Parents' Perceptions of Their Involvement in the IEP/Transition Planning Process.*

Appendix B

Essential Elements of a Functional Behavioral Assessment

Behavior Definition

- An objective and behaviorally specific definition/description of the behavior(s) of concern is developed

Data Collection

- The scope and comprehensiveness of data collection is tailored to the particular behavior(s) of concern
- Existing data is reviewed, particularly prior measurable and goal-directed attempts to address the behavior(s) of concern
- Both qualitative and quantitative data are collected and considered
- Strengths or areas of competence are identified
- Data collection is individually tailored
- Data collection procedures are valid and reliable
- Information is collected and considered in a culturally competent manner.
- Additional information is collected when needed
- When relevant, data is collected from multiple settings, i.e. school, home, and community
- When relevant, diagnostic/descriptive information is collected through collaboration with professionals/agencies external to the school

Analysis

- Multiple sources of relevant information are considered including:
  - the setting(s) in which the behavior(s) occurs
  - the specific behaviors of the student
  - student traits, including personal/affective characteristics
- Analysis focuses on:
  - understanding the purpose and function of the behavior(s) of concern;
  - the individual's social, emotional and behavioral functioning in relationship to expectations;
  - the development of interventions; and
  - the identification of needed supports

Communication with parents throughout the functional behavioral assessment process is critical.

Essential Elements of a Behavioral Intervention Plan

Intervention Planning and Implementation

- There is a clear link between the functional behavioral assessment data collected and the intervention(s) selected
- The intervention strategies are selected based on the nature of the defined problem, parent input, and professional judgments about the potential effectiveness of strategies
- Measurable goals are written which clearly describe projected improvement or remediation of the problem
- Measurable goals are directly related to the student's present level of educational performance
- Measurable objectives are written that are clearly related to accomplishment of the goal
- Goals and objectives include strategies that will increase positive behavior and decrease undesirable behavior, including planned disciplinary procedures, if necessary
- Strategies for generalizing and maintaining positive behavior outside of the training situation are included
- The behavioral intervention plan is implemented with integrity, i.e. interventions are actually implemented in the manner in which they were designed, and consistent with established professional standards and practices.

Monitoring of Intervention Effects

- Student performance data are collected and documented on a regular and frequent basis
- Modification of the behavioral intervention plan is made as frequently as necessary, based on monitoring information
- Progress monitoring information is summarized and documented in a way that communicates whether the intervention is accomplishing its intended effect
- Progress monitoring information is used frequently and repeatedly to determine whether the anticipated outcomes for the individual are being met and whether the placement and services are appropriate to the individual's learning needs

Communication with parents is critical throughout the development and implementation of a behavioral intervention plan.

IDEA, Sec. 615(k)
Discipline Provisions

Placement in Alternative Educational Setting.—

(1) Authority of school personnel.—

(A) School personnel under this section may order a change in the placement of a child with a disability—

(i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

(ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if—

(I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

"(II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

"(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—"(i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or

"(ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

"(2) Authority of hearing officer.—A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer—

"(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

"(B) considers the appropriateness of the child's current placement;

"(C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

"(D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

"(3) Determination of setting.—

"(A) In general.—The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

"(B) Additional requirements.—Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

"(i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

"(ii) include services and modifications designed to ad-

IDEA, Sec. 615(k)
Discipline Provisions (Cont'd)

dress the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

"(4) Manifestation determination review.—

"(A) In general.—If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children—

"(i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and

"(ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior

"(B) Individuals to carry out review.—A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

"(C) Conduct of review.—In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team—

"(i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including—

"(I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;

"(II) observations of the child; and

"(III) the child's IEP and placement; and

"(ii) then determines that—

"(I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

"(II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

"(III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

"(5) Determination that behavior was not manifestation of disability.—

"(A) In general.—If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in section 612(a)(1).

"(B) Additional requirement.—If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

"(6) Parent appeal.—

IDEA, Sec. 615(k)
Discipline Provisions (Cont'd)

"(A) In general.—

"(i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

"(ii) The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by a parent.

"(B) Review of decision.—

"(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

"(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

"(7) Placement during appeals.—

"(A) In general.—When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

"(B) Current placement.—If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

"(C) Expedited hearing.—

"(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

"(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph (2).

"(8) Protections for children not yet eligible for special education and related services.—

"(A) In general.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

"(B) Basis of knowledge.—A local educational agency shall

IDEA, Sec. 615(k)
Discipline Provisions (Cont'd)

be deemed to have knowledge that a child is a child with a disability if—

"(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

"(ii) the behavior or performance of the child demonstrates the need for such services;

"(iii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

"(iv) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

"(C) Conditions that apply if no basis of knowledge.—

"(i) In general.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

"(ii) Limitations.—If a request is made for which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

"(9) Referral to and action by law enforcement and judicial authorities.—

"(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

"(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime."

Examples of Assistive Technology Devices

This list of devices, products, and systems represents a relatively comprehensive list of items that are considered to fall within the definition of "assistive technology" and includes both "low-tech" and "high-tech" items.

Ambulation

- canes
- cane accessories
- crutches
- crutch accessories
- walkers
- walker accessories

Architectural Access

- bathroom remodel
  - bath tubs
  - modified showers
  - toilets
  - bathroom sinks
- kitchen remodel
  - shelves
  - cabinets
  - sinks/appliances
  - doors/auto open
  - handles
  - lighting
- safety/security
- elevators
- wheelchair lifts
- chair-stair lift
- ceiling track lift
- pool lifts
- ramps
- drinking fountains
- house plans
- other specialties

Communication

- mouthsticks
- headwands
- light pointers
- manual page turners
- electric pate turners
- reading machines
- bookholders
- writing aids
- typewriters
- typing aids
- modified keyboards
- telephone access
- signal system
- communication boards
- augmentative communication devices (electronic)
- television adaptions
- personal voice amplification

Computer Software

- educational programs
- recreation/games
- communication programs
- voice recognition
- talking
- switch operated
- assessment/evaluation/training
- tools/word processing/database
- large print
- special access

Computer Hardware

- special computer systems
- keyboards
- printers
- computer supplies
- computer work stations
- computer peripherals
- expanded keyboards
- other keyboards
- key guards
- voice synthesizers
- voice recognition systems
- Braille printers
- tactile printers
- visual accessories
- cursor control
- interface adaptations
- other adaptations

Ergonomics

- arm/wrist supports
- back supports
- ergo joystick
- industrial workstations
- office workstations
- tools
- seat/chair
- CRT access

Environmental Controls

- environmental control systems
- environmental control components

Farm Management

- automated hitching devices
- automatic feeding equipment
- automatic gate openers
- back-saving solutions
- grain bin access
- door openers/closers for building/gates
- hand controls/ag equipment
- livestock handling equipment
- modified saddles
- outdoor communication devices
- outdoor environmental controls
- outdoor mobility aids
- one handed tools
- tractor accessories
- tractor seating
- machine attached lifts

Home Management

- food preparation
- housekeeping
- lift chairs/lift cushions
- modified furniture
- beds/mattresses
- protective bed padding
- special pillows
- shopping aids

Medical Equipment-Adapted

- stethoscopes
- diabetic equipment
- thermometers
- pressure monitors
- scales
- signal systems
- other medical equipment

Mobility

- manual wheelchair
- adult light weight
- child light weight
- sports/racing
- standing wheelchair
- power wheelchair
- power standing wheelchair
- 3-wheeled mobility device
- other mobility devices
- wheelchair trays
- portable ramps
- batteries
- power conversion
- other accessories
- wheelchair parts
- patient chairs
- adult travel chairs
- travelchairs
- car seats/beds
- strollers
- hand operated trikes
- other adapted trikes
- adult bikes/trikes
- manual stretchers
- power stretchers
- recliner

Orthotics

- restraints
- supports
- helmets
- braces
- splints
- foot orthosis

Personal Care

- feeding devices
- dishes/utensils
- feeding accessories
- drinking
- grooming/hygiene
- mechanical transfer lift
- wheeled bathchair/commode
- stationary commode
- toileting accessories
- incontinent supplies
- shower/bath chair
- bathing accessories
- reaching/carrying
- grab bars/grips/handles
- transfer board

Personal Health

- scales
- thermometers
- blood pressure/pulse
- dispenser aids

Prosthetics

- upper extremity
- lower extremity

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Recreation

- crafts
- sewing
- board games
- other games
- gardening
- toys
- electronics
- music
- photography
- modified sports equipment
- sports activities
- playground equipment
- park/picnic equipment
- hunting/fishing
- vacation/travel

Seating

- postural support system
- postural support hardware
- bolster or corner chairs
- other therapeutic seats
- pressure monitors
- decubitis cushion
- wheelchair cushion
- other cushions

Switches

- wheelchair controls
- mounting hardware
- other switches

Robotics

- robotic arm
- other robotic equipment

Technology for Hearing

- alert/signal systems
- telephone adaptations
- TV decoders
- TV amplifiers
- personal amplification
- FM amplification system
- infrared amplification system
- audio loop systems
- TDDs/TTYs
- hearing aids

Technology for Vision

- Braille
- clock/watches
- sensors/safety/security
- labeling
- large button phone
- speaker phone
- large print books
- taped/audio books
- magnifiers
- magnification system
- talking equipment
- calculators
- other devices

Therapeutic Aids

- sensory integration
- perceptual motor
- gross motor
- fine motor
- crawling/scooting
- ambulation training
- balance training
- prone standers
- upright frames
- supine standers
- parapodiums
- side lying boards
- stand tables
- treatment tables
- elevated mat tables
- rolls/inclines
- mats
- positioning
- strengthening
- exercise equipment
- pain relief
- hydrotherapy
- sexual aids

Transportation

- vehicles
- vehicle conversions
- motorcycles
- motorcycle conversions
- driving controls
- assistive accessories
- seat belts
- wheelchair restrain systems
- wheelchair lifts
- ramps
- wheelchair loaders
- wheelchair carriers
- vehicle access

Working Animals

- animals for blind/low vision
- animals for hearing impairment
- animals for physically disabled

Vocational/Educational

- work stations
- desks
- classroom equipment
- tools
- office equipment
- adjustable tables
- education/instruction
- vocational assessment training
- literature/books

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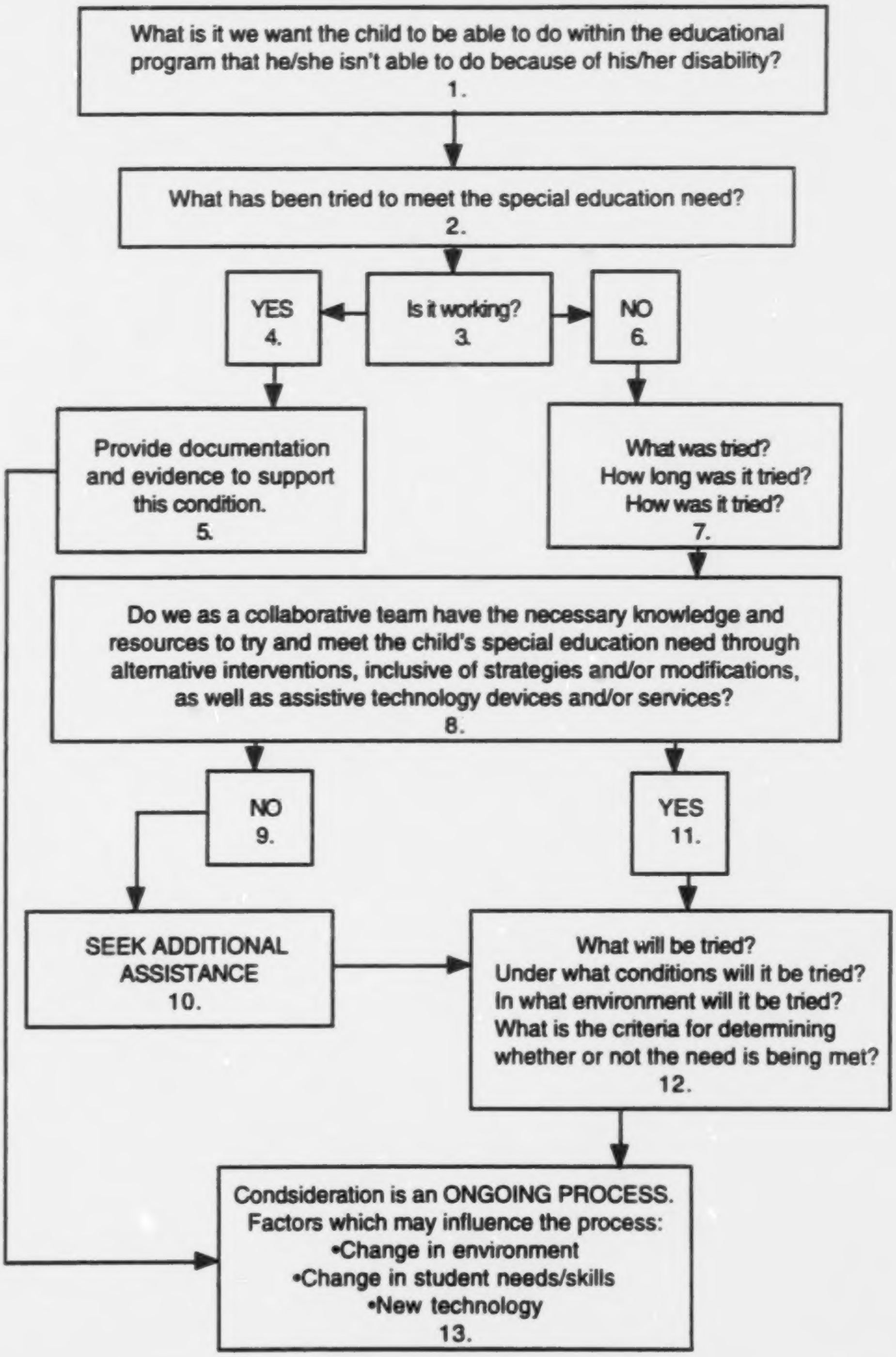
Addressing Assistive Technology on the IEP*

A Flowchart of Primary Questions


What is it we want the child to be able to do within the educational program that he/she isn't able to do because of his/her disability? 1.
What has been tried to meet the special education need? 2.
Is it working? 3.
YES 4.
NO 6.
Provide documentation and evidence to support this condition. 5.
What was tried? How long was it tried? How was it tried? 7.
Do we as a collaborative team have the necessary knowledge and resources to try and meet the child's special education need through alternative interventions, inclusive of strategies and/or modifications, as well as assistive technology devices and/or services? 8.
NO 9.
YES 11.
SEEK ADDITIONAL ASSISTANCE 10.
What will be tried? Under what conditions will it be tried? In what environment will it be tried? What is the criteria for determining whether or not the need is being met? 12.
Condsideration is an ONGOING PROCESS. Factors which may influence the process: •Change in environment •Change in student needs/skills •New technology 13.

* Adapted from: *Has Technology Been Considered? A guide for IEP teams.* Chambers, A.C., (1997).

Steps in Developing a Comprehensive Curriculum for Students with Limited English Proficiency *

The four major partners in bilingual special education curriculum development are the parents, the mainstream teacher, the bilingual teacher, and the special education teacher. The following steps should be undertaken by this team:

- ◊ Meet as a team to begin the planning process. Outline planning steps.
- ◊ Become familiar with the culture and language background of the child.
- ◊ Become familiar with the special learning style and education needs of the child.
- ◊ Prepare an individual instruction plan with short- and long-term goals (in some cases this may be an IEP).
- ◊ Develop individualized lessons and materials appropriate to the child's exceptionality.
- ◊ Modify individualized lessons and materials using a "cultural screen" and sensitivity.
- ◊ Refer to resource people for assistance and cooperation in instruction; coordinate services.
- ◊ Evaluate the child's ongoing progress and develop a new individual plan (IEP), materials, and so forth, as needed.
- ◊ Start the cycle over.

*(Collier & Kalk, 1989, p. 207)

What Should be Considered in Selecting Materials for Bilingual Exceptional Children?*

The following guidelines represent some of the many considerations teachers should bear in mind when evaluating, selecting, adapting, or developing materials:

- ◊ Know the specific language abilities of each student.
- ◊ Include appropriate cultural experiences in material adapted or developed.
- ◊ Ensure that material progresses at a rate commensurate with student needs and abilities.
- ◊ Document the success of selected materials.
- ◊ Adapt only specific materials requiring modifications, and do not attempt to change too much at one time.
- ◊ Try out different materials and adaptations to ensure smooth transitions into the new materials.
- ◊ Follow some consistent format or guide when evaluating materials.
- ◊ Be knowledgeable about particular cultures and heritages and their compatibility with selected materials.
- ◊ Follow a well-developed process for evaluating the success of adapted or developed materials as the individual language and cultural needs of students are addressed.

*(Hoover & Collier, 1989, p. 253)

Things to Consider When Planning IEPs for Children Who Are Deaf or Hard of Hearing

This non-inclusive list is meant to be a starting point for IEP teams in collecting information to help them determine appropriate modifications and adaptations for each student.

Name__________________________Date____________________

History of factors affecting development of deaf and hard-of-hearing children:

Age at onset of hearing loss____________________

Degree of hearing loss (e.g., mild, profound, fluctuating____________________

Type of hearing loss (e.g., conductive, sensorineural, unilateral,)____________________

Cause of hearing loss____________________

Medical history (e.g., otitis media, surgery)____________________

Age at amplification & training of use____________________

Presence/absence of additional handicapping conditions____________________

Communication system (efficient and sufficient)____________________

Student's speech (intelligible or unintelligible to others____________________

Family involvement____________________

Amplification:

Personal hearing aid____________________

Cochlear implant____________________

FM system____________________

Easy listener device____________________

Room amplification system____________________

Other____________________

Physical environment:

Sound-absorbing material in classroom to reduce noise level__________
Reduce background noise (e.g., fans, street noise, etc.)__________
Reduce visual distractions__________
Unobstructed line of vision to instructor__________
Seating arrangements facilitate seeing, hearing, and listening__________
Ear protection__________

Communication:

Aural/oral__________
Total communication__________
Direct communication access with teacher and peers__________
Other__________

Instructional/Curricular:

Inservice teachers/students/school staff__________
Assignments - use written backup for oral directions__________
Use total communication __________
Use educational interpreter__________
Enhance speechreading conditions__________
Use visual supplements__________
Pre-teach vocabulary__________
Emphasize critical information__________
Clarify by rephrasing__________
Reduce language (reading) level of assignment__________
Use note-taker__________
Modify reading assignments__________
Modify written assignments__________

Supplemental instruction____

Assessment____

Other needs/considerations:

Counseling____

Sign language____

Family supports____

Social interaction:

Opportunities for peer interaction____________________________

Deaf/hard of hearing role models_____________________________

Assistive devices:

TTY____

Telephone amplifier_______________________________________

TV closed captioner_______________________________________

Captioned films and videos___________________________________

Visual fire alarm____

Other____

Federal Register
Deaf Students Education Services; Policy Guidance

In 1992, the United States Department of Education published a document in the Federal Register entitled "Deaf Students Education Services: Policy Guidance." This document is helpful for all IEP team members when developing appropriate, individualized educational plans for all students with hearing loss, whether hard of hearing or deaf.

49274 Federal Register / Vol. 57, No 221 / Friday, October 30, 1992

DEPARTMENT OF EDUCATION

Deaf Students Education Services; Policy Guidance

AGENCY: Department of Education
ACTION: Notice of Policy Guidance

SUMMARY: The Department provides additional guidance about part B of the Individuals with Disabilities Education Act (IDEA) and section 504 of the Rehabilitation Act of 1973 (section 504) as they relate to the provision of appropriate education services to students who are deaf. This guidance is issued in response to concerns regarding Departmental policy on the provision of a free appropriate public education (FAPE) to students who are deaf. Many of these concerns were expressed in the report of the Commission on Education of the Deaf. This guidance is intended to furnish State and local education agency personnel with background information and specific steps that will help to ensure that children and youth who are deaf are provided with a free appropriate public education. It also describes procedural safeguards that ensure parents are knowledgeable about their rights and about placement decisions made by public agencies.

FOR FURTHER INFORMATION CONTACT: Jean Peelen or Parma Yarkin, U.S. Department of Education, 400 Maryland Avenue, S.W., Rooms 5046 and 3131, Switzer Building, respectively, Washington, D.C. 20202-2524. Telephone: (202) 205-8637 and (202) 205-8723, respectively. Deaf and hearing impaired individuals may call (202) 205-8449 or (202) 205-8723, respectively, for TDD services.

SUPPLEMENTARY INFORMATION:

Background

In the past twenty-five years, two national panels have concluded that the education of deaf students must be improved in order to meet their unique communication and related needs. The most recent of these panels, the Commission on Education of the Deaf (COED), recommended a number of changes in the way the Federal government supports the education of individuals who are deaf from birth through postsecondary schooling and training. With this notice, the Secretary implements several COED recommendations relating to the provision of appropriate education for elementary and secondary students who are deaf.

The COED's report and its primary finding [1] reflect a fundamental concern within much of the deaf community that students who are deaf have significant obstacles to overcome in order to have access to a free appropriate public education that meets their unique educational needs, particularly their communication and related needs. [2]

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Deaf Students Education Services; Policy Guidance (Cont'd)

The disability of deafness often results in significant and unique educational needs for the individual child. The major barriers to learning associated with deafness relate to language and communication, which, in turn, profoundly affect most aspects of the educational process. For example, acquiring basic English language skills is a tremendous challenge for most students who are deaf. While the Department and others are supporting research activities in the area of language acquisition for children who are deaf, effective methods of instruction that can implemented in a variety of educational settings are still not available. The reading skills of deaf children reflect perhaps the most momentous and dismal effects of the disability and of the education system's struggle to effectively teach deaf children: hearing impaired students "level off" in their reading comprehension achievement at about the third grade level. [3]

Compounding the manifest educational considerations, the communication nature of the disability is inherently isolating, with considerable effect on the interaction with peers and teachers that make up the educational process. This interaction, for the purpose of transmitting knowledge and developing the child's self-esteem and identity, is dependent upon direct communication. Yet, communication is the area most hampered between a deaf child and his or her hearing peers and teachers. Even the availability of interpreter services in the educational setting may not address deaf children's needs for direct and meaningful communication with peers and teachers.

Because deafness is a low incidence disability, there is not widespread understanding of its educational implications, even among special educators. This lack of knowledge and skills in our education system contributes to the already substantial barriers to deaf students in receiving appropriate educational services.

In light of all these factors, the Secretary believes that it is important to provide additional guidance to State and local education agencies to ensure that the needs of students who are deaf are appropriately identified and met, and that placement decisions for students who are deaf meet the standards of the applicable statutes and their implementing regulations. It is the purpose of this document to (1) clarify the free appropriate public education provisions of IDEA for children who are deaf, including important factors in the determination of appropriate education for such children and the requirement that education be provided in the least restrictive environment, and (2) clarify the applicability of the procedural safeguards in placement decisions.

Nothing in this notice alters a public agency's obligation to place a student with a disability in a regular classroom if FAPE can be provided in that setting.

Free Appropriate Public Education

The provision of a free appropriate public education based on the unique needs of the child is at the heart of the IDEA. Similarly, the section 504 regulation at 34 CFR 104.33-104.36 contains free appropriate public education requirements, which are also applicable to local educational agencies serving children who are deaf. A child is receiving an appropriate education when all of the requirements in the statute and the regulations are met. The Secretary believes that full consideration of the unique needs of a child who is deaf will help to ensure the provision of an appropriate education. For children who are eligible under Part B of the IDEA, this is accomplished through the IEP process. For children determined to be handicapped under section 504, implementation of an individualized education program developed in accordance with Part B of the IDEA is one means of meeting the free appropriate public education requirements of the section 504 regulations.

As part of the process of developing an individualized education program (IEP) for a child with disabilities under the IDEA, State and local education agencies must comply with the evaluation and placement regulations at 34 CFR 300.530-300.534. In meeting the individual education needs of children who are deaf under section 504, LEAs must comply with the evaluation and placement requirements of 34 CFR 104.35 of the Section 504 regulation, which contain requirements similar to those of the IDEA. However, the Secretary believes that the unique communication and related needs of many children who are deaf have not been adequately considered in the development of their IEPs. To assist public agencies in carrying out their responsibilities for children who are deaf, the Department provides the following guidance.

The Secretary believes it is important that State and local education agencies, in developing an IEP for a child who is deaf, take into consideration such factors as:

1. Communication needs and the child's and family's preferred mode of communication;
2. Linguistic needs;
3. Severity of hearing loss and potential for using residual hearing;
4. Academic level; and
5. Social, emotional, and cultural needs, including opportunities for peer interactions and communication.

In addition, the particular needs of an individual child may require the consideration of additional factors. For example, the nature and severity of some children's needs will require the consideration of curriculum content and method of curriculum delivery in determining how those needs can be met. Including evaluators who are knowledgeable about these specific factors as part of the multidisciplinary team evaluating the student will help ensure that the deaf student's needs are correctly identified.

Under the least restrictive environment (LRE) provision of IDEA, public agencies must establish procedures to ensure that "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that

Federal Register
Deaf Students Education Services; Policy Guidance (Cont'd)

education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." [4] The section 504 regulation at 34 CFR 104.34 contains a similar provision.

The Secretary is concerned that the least restrictive environment provisions of the IDEA and Section 504 are being interpreted, incorrectly, to require the placement of some children who are deaf in programs that may not meet the individual student's educational needs. Meeting the unique communication and related needs of a student who is deaf is a fundamental part of providing a free appropriate public education (FAPE) to the child. Any setting, including a regular classroom, that prevents a child who is deaf from receiving an appropriate education that meets his or her needs, including communication needs, is not the LRE for that individual child.

Placement decisions must be based on the child's IEP. [5] Thus, the consideration of LRE as part of the placement decision must always be in the context of the LRE in which appropriate services can be provided. Any setting which does not meet the communication and related needs of a child who is deaf, and therefore does not allow for the provision of FAPE, cannot be considered the LRE for that child. The provision of FAPE is paramount, and the individual placement determination about LRE is to be considered within the context of FAPE.

The Secretary is concerned that some public agencies have misapplied the LRE provision by presuming that placements in or closer to the regular classroom are required for children who are deaf, without taking into consideration the range of communication and related needs that must be addressed in order to provide appropriate services. The Secretary recognizes that the regular classroom is an appropriate placement for some children who are deaf, but for others it is not. The decision as to what placement will provide FAPE for an individual deaf child — which includes a determination as to the LRE in which appropriate services can be made available to the child — must be made only after a full and complete IEP has been developed that addresses the full range of the child's needs.

The Secretary believes that consideration of the factors mentioned above will assist placement teams in identifying the needs of children who are deaf and will enable them to place children in the least restrictive environment appropriate to their needs.

The overriding rule regarding placement is that placement decisions must be made on an individual basis. [6] As in previous policy guidance, the Secretary emphasizes that placement decisions may not be based on category of disability, the configuration of the delivery system, the availability of educational or related services, availability of space, or administrative convenience.

States and school districts also are advised that the potential harmful effect of the placement on the deaf child or the quality of services he or she needs must be considered in determining the LRE.

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Deaf Students Education Services; Policy Guidance (Cont'd)

The Secretary recognizes that regular educational settings are appropriate and adaptable to meet the unique needs of particular children who are deaf. For others, a center or special school may be the least restrictive environment in which the child's unique needs can be met. A full range of alternative placements as described at 34 CFR 300.551(a) and (b)(1) of the IDEA regulations must be available to the extent necessary to implement each child's IEP. There are cases when the nature of the disability and the individual child's needs dictate a specialized setting that provides structured curriculum or special methods of teaching. Just as placement in the regular educational setting is required when it is appropriate for the unique needs of a child who is deaf, so is removal from the regular educational setting required when the child's needs cannot be met in that setting with the use of supplementary aids and services.

Procedural Safeguards

One important purpose of the procedural safeguards required under part B and the section 504 regulations is to ensure that parents are knowledgeable about their rights and about important decisions that public agencies make, such as placement decisions. Under the section 504 regulations at 34 CFR 104.36, a public agency must establish a system of procedural safeguards that includes, among other requirements, notice to parents with respect to placement decisions. Compliance with the part B procedural safeguards is one means of meeting the requirements of the section 504 regulations. Under part B, before a child is initially placed in special education the child's parents must be given written notice and must consent to the placement. The part B regulations at 34 CFR 300.500(a) provide that consent means that parents have been fully informed of all information relevant to the placement decision. The obligation to fully inform parents includes informing the parents that the public agency is required to have a full continuum of placement options available to meet the needs of children with disabilities, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

The part B regulations at 34 CFR 300.504-300.505 also require that parents must be given written notice a reasonable time before a public agency proposes to initiate or change the identification, evaluation, educational placement or provision of a free appropriate public education to the child. This notice to parents must include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected. The requirement to provide a description of any option considered includes a description of the types of placements that were actually considered, e.g., special school or regular class, as well as any specific schools that were actually considered and the reasons why these placement options were rejected. Providing this kind of information to parents will enable them to play a more knowledgeable and informed role in the education of their children.

Federal Register
Deaf Students Education Services; Policy Guidance (Cont'd)

Authority: 20 U.S.C. 1411-1420; 29 U.S.C. 794.
Dated: October 26th, 1992
Lamar Alexander, *Secretary*
[FR Doc. 92—26319 Filed 10-29-92; 8:45 am]

[1] "The present status of education for persons who are deaf in the United States is unsatisfactory. Unacceptably so. This is the primary and inescapable conclusion of the Commission on Education of the Deaf." Commission on Education of the Deaf: Toward Equality: Education of the Deaf. (February 1988)

[2] As stated in the IDEA, the purpose of the Act is: ...to assure that all children with disabilities have available to them...a free appropriate public education which emphasizes special education and related services designed to meet their unique needs.... [34 CFR 104.33 (a)].

[3] Thomas E. Allen, "Patterns of Academic Achievement Among Hearing Impaired Students: 1974 and 1983," in Deaf Children in America 162-164 (Arthur N. Schildroth and Michael A. Karchmer, eds. San Diego: College-Hill Press (1986))

[4] 20 U.S.C. sec. 1412 (5)(B).

[5] 20 U.S.C. sec.1401 (18); see also 34 CFR 300.552 (a)(2), and 34 CFR 104.33(b)(2).

[6] 34 CFR 300.552 Comment. See also Appendix A to 34 CFR Part 104.24.

Vision Assessment

The first step in selecting an appropriate learning medium for a student with visual impairment is to gather as much information about the student as possible through assessment procedures. A multidisciplinary team approach to assessment is recommended. The multidisciplinary team should include medical personnel, educational personnel, and parents. A student's visual abilities may change due to a variety of reasons, therefore, responsible parties must remain flexible and creative when assessing the visual functioning of a student with visual disabilities. While the assessment should reflect what the student can currently demonstrate, because of the possibility of a student's needs changing, the assessment needs to be ongoing. All assessment results must also be evaluated in light of the student's general abilities and interests. All measurements used must be specific, definable, and repeatable. A differentiation between a visual impairment and a perceptual difficulty needs to be included as part of the assessment.

Areas of Assessment

General health: It is recommended that a physician report any medication and/or condition that may have an effect on a student's vision and learning.

Eye health: Detailed information from an eye care specialist would include but not be limited to: (1) diagnosis, (2) cause, (3) prognosis, and (4) visual field. Interpretation of these assessment results should include their functional implications for the present and the future for the student's visual abilities.

Low vision examination: The low vision examination is essential for assessing the maximum use of the student's

vision. The examination should be conducted by a qualified low vision practitioner. It should include but not be limited to: (1) uncorrected and corrected (if appropriate) distant acuity, (2) uncorrected and corrected (if appropriate near point print size and distance, (3) near optical aids, print size and distance, (4) distant optical aids and acuity, and (5) recommended electronic aids and non-optical aids.

Functional vision assessment: The clinical evaluation of a student with visual impairment does not always reflect the student's true visual abilities. It is the responsibility of teachers of students with visual impairments to gather assessment data of a student's use of vision in realistic settings. When assessing a student's functional vision, it is recommended that materials that the student is already familiar with and are at the student's current level of functioning be used. The activities used for the functional vision assessment should be drawn from a variety of tasks, i.e., academic, non-academic, extracurricular and social context. In addition to the visual functioning information regarding the student's visual functioning should be gathered from parents and the staff involved with the student. A functional vision assessment tends to be subjective, therefore care must be taken into account for bias toward one medium over another.

Assessment of visual working distance: If vision is being assessed as a primary learning mode, the student should be able to maintain the optimal focal distance for an extended period of time. The focal distance should allow the student to write by dictation, copying, and creatively and should be practical for reading a computer screen. The focal distance should also be assessed as to its practicality

Vision Assessment (Cont'd)

for skills involved in non-academic areas such as cooking, grooming, self-care, home maintenance, and industrial arts.

Portability of the learning medium: The primary learning medium should enable the student to read his own handwriting. The primary reading medium should also be transferable to other situations. The student must be given a medium for reading and writing that is non-electronic.

Reading rates and accuracy: The student should be tested at different times in the preferred medium of regular print, large print, or regular print with an aid. The material used for testing should be that which the student reads with 95 percent accuracy. The student's level of reading performance should be commensurate with his or her overall measurable abilities and interests. Following the selection of a primary reading medium, the student should demonstrate measurable growth in reading rates, vocabulary and comprehension.

Visual fatigue: The optimal-sized print for a primary learning medium is the size the student can read for an extended period of time without experiencing fatigue. The optimal-sized print for a primary learning medium should allow a ten-year-old student to read for one hour without tiring, and a 15-year-old student to read for one and one-half hours without tiring. The print size chosen as a primary learning medium should allow the student to read accurately at the end of the school day and to be able to do homework in the evening. The primary learning medium should allow the student to demonstrate consistency of performance using different formats and visual demands

such as an atlas, reference works, computer screen graphics, mathematics, board games and magazines.

Student self-evaluation information: Part of the assessment should focus on the student's feelings about himself/herself and the life experiences that are most important to him/her. Among data that could be gathered are the student's (1) perceived overall evaluation of his/her own performance, (2) beliefs as to be above or below grade level, (3) beliefs regarding meeting parental and teacher's expectations, (4) beliefs that he/she is above or below self-expectations, (5) hobbies, interests, favorite reading material, board and video games, (6) television viewing habits, and (7) vocational goals.

Considerations when interpreting results: The interpretation of assessment results should establish what the primary learning medium should be. Among considerations in making this choice is whether the student is keeping up with the class in both quality of performance and quantity of successfully completed assignments and whether the student's performance is at a level commensurate with the student's abilities and interests. The interpretation of assessment results should also include a delivery system to meet the assessed needs of the student rather than being influenced by the current educational delivery system. It must also be remembered that the results of any assessment reflect the ability of one student and should not be generalized to other students. It also can not be assumed that a change of learning medium will translate into a change of performance.

Example Emergency Health Plan

Student:____________________ Date:____________________

Birthdate:____________________ Home Phone:____________________

Parent(s):____________________ Emergency Numbers:____________________

Doctor:____________________ Phone Number:____________________

Hospital:____________________ Phone Number:____________________

Medical Insurance (optional):____________________ SS#:____________________

Medical condition:

Usual treatment:

Signs of emergency:

Actions for school staff to take:

Step 1:

Step 2:

Step 3:

Response to emergency, action taken, and persons notified:

______Principal ______School Nurse

______Doctor ______Parent(s)

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Example Individual Health Plan (IHP)

Name: ______________________ Birthdate: ______________
Address: ____________________ Phone: ________________
Doctor: _____________________ Phone: ________________
School: _____________________ Teacher: ______________
Review Dates: _______________ SS#: __________________
Goal(s), Objectives: ____________________________________
____
____

Assessment Data	Nursing Diagnosis	Nursing Intervention	Outcomes

We agree with the needs and methods identified in the IHP and agree to continue working on the goals at home as well as school.

Parent signature: ______________________________ Date: __________

Student signature: _____________________________ Date: __________

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Appendix C

PERSKE

Examples of Special Education, Instructional, Support and Related Services for Early Childhood and School Age Children

Examples of Alternatives in the Continuum for School Age Students:

- instruction in general education classes
- special classes
- special schools
- home instruction
- instruction in hospitals and institutions

Continuum of Services for Early Childhood Special Education

Special education programs and services for young children may be provided in a variety of environments.

Examples of Alternatives in the Continuum for 3 to 5 Year Old Preschool Students:

- home instruction
- special education instructional intervention in a community based early childhood setting
- combination of general education with special education instructional support in a community based early childhood program
- combination of general education with part-time center based early childhood special education programs (e.g. dual programming with the IEP being monitored in both settings)
- special education services in an early childhood and early childhood special education co-location program (e.g. a combination of Head Start and ECSE classrooms)
- special education services in an early childhood special education reverse integration program

- special education services in an early childhood special education center based program (e.g. ECSE classroom or AEA toddler or play group)
- special education services in special school environment
- special education services in residential program

(The order in which these environments are listed does not represent a hierarchy of restrictiveness.)

Examples of Goals

◊ **A. Presence and Participation**
In 32 weeks, when in a 10 minute or longer teacher directed question and answer activity, Jan will raise her hand and volunteer an answer at least 2 times across 3 consecutive opportunities.

In 15 weeks, while in PE, Mickey will tolerate sensory stimulation intended to increase her muscle tone, in all PE sessions for 3 consecutive weeks.

◊ **B. Accommodation and Adaptation**
In 32 weeks, prior to beginning each new class or activity, Renee will meet with the teacher, ask questions about the activities and content, and identify for herself and for the teacher the visual accommodations (e.g., enlarged type, books on tape etc.) that will be needed for her to succeed in the course or activity, for 100% of her classes.

◊ **C. Physical Health**
In 32 weeks, during snacks and meals at school, Gigi will independently eat using a spoon and independently drink from a tippy cup with more than 1/2 of the food and liquid going into her mouth, across all meals on 3 consecutive school days.

In 10 weeks, when feeding from a bottle, Marion will consume at least 5 ounces of formula per feeding for at least 5 feedings per day across all days.

In 32 weeks, across all settings, Ian will identify 20 major warning words and symbols (e.g., Stop, Poison, Danger, Hazard etc.) with 95% accuracy and will identify appropriate actions to take when these words are seen with 100% accuracy.

◊ **D. Responsibility and Independence**
In 30 weeks, while at school, Peter will appropriately and independently use the toilet when necessary for a period of at least 3 weeks.

In 31 weeks, while at school, Kendra will appropriately use her walker to get to all of her classes within 4 minutes of the tardy bell for three consecutive weeks.

In 32 weeks, before snacktime, Jacob will prepare a simple snack of his choice and eat it, at school, for 3 consecutive weeks.

In 32 weeks, when a grocery item or items are needed, Marlo will go shopping at the grocery store, pay for her purchases using the nearest dollar strategy and count change (+- $1.00), on 3 consecutive trips to the store.

◊ **E. Contribution and Citizenship**
In 30 weeks, across all classroom activities that require taking turns, Joe will wait his turn on 80% of turn-taking opportunities, for 3 consecutive data days.

In 32 weeks, when engaged in a cooperative learning activity, Jessie will participate with the rest of the group throughout the entire activity across 5 cooperative learning activities.

Examples of Goals
(Cont'd)

- **F. Academic and Functional Literacy**

In 31 weeks, when conversing with the Speech Language Pathologist using multiple word phrases, Mandy will use "t, d, p, b, and m" sounds with 90% accuracy.

In 32 weeks, during 30 minute play sessions, Jerry will independently solve problems in order to play with toys in 4 out of 5 situations presented on 3 consecutive school days.

In 29 weeks, when asked descriptive questions about classroom activities by an adult, Glenn will correctly answer 80% of these questions using appropriate multiple word phrases.

In 31 weeks, when playing, Monica will spontaneously link 2-3 different actions with a toy or prop into a meaningful sequence 3 times per session across 5 consecutive playtimes.

In 32 weeks, when presented with 20 randomly chosen pictures (from a pool of 300 representing basic vocabulary word/concepts), Martin will correctly label 18 of the 20 pictures for 5 consecutive sessions.

In 25 weeks, when presented with serially presented phonemes, Carol will imitate the sounds in order to form words on 9 of 10 presentations across 3 consecutive days.

In 26 weeks, after silently reading a previously unread story from 3rd grade trade books, Bob will orally retell the story and identify all of the major characters and events for 5 consecutive stories.

In 26 weeks, when presented with a randomly selected passage from 3rd grade trade books, Felicia will read aloud 120 words correctly in 1 minute with 4 or fewer errors.

- **G. Personal and Social Adjustment**

In 30, weeks, when on the playground, Spencer will appropriately play beside other children in all situations for 2 consecutive weeks.

In 30 weeks, when given a direct verbal direction by an adult, Joe will begin to comply with the direction within 10 seconds on 80% of opportunities for 3 consecutive data days.

In 18 weeks, when confronted with teasing by peers, Rambo will physically remove himself from the situation across all occurrences, times and settings in school.

In 32 weeks, during teacher led instruction in all of his classes, Arnold will raise his hand prior to asking a question or offering an opinion 90% of the time, for 2 consecutive weeks.

In 32 weeks, in free play situations, Maryann will use appropriate phrases to request object or activities 70% of the time, across 5 consecutive free play situations.

GOAL CODES – B5

The Goal Area indicates the purpose for which the goal was written [enter one]. [NOTE: The domains were developed by the National Center for Educational Outcomes, University of Minn.]

A. Presence and Participation - Extent to which an individual is present in a particular setting and the extent to which meaningful participation occurs.

A1. Is present in school or work site
A2. Participates in school activities
A3. Completes major school activities
A4. Other

B. Accommodation and Adaptation - Modifications that must be made to adjust to or make up for some type of disability.

B1. Self advocacy is demonstrated by making adaptations, accommodations or compensations necessary to achieve outcomes
B2. Demonstrates family support and coping skills for interdependence
B3. Other

C. Physical Health - Extent to which the individual demonstrates healthy behavior, attitudes and knowledge toward physical well-being.

C1. Makes healthy choices
C2. Applies basic safety, fitness or health care concepts
C3. Other

D. Responsibility and Independence - Extent to which the individual's behavior reflects the ability to function independently and assume responsibility for one's self.

D1. Gets about in the environment
D2. Is responsible for self
D3. Community Experience
D4. Daily Living Skills
D5. Employment
D6. Other

E. Contribution and Citizenship - Ways in which or extent to which an individual gives something back to society or participates as a citizen in society

E1. Complies with school and community rules
E2. Participates in community activities as an active group member
E3. Volunteers for activities, helps others
E4. Other

F. Academic and Functional Literacy - Use of information to function in society, to achieve goals, and to develop knowledge.

F1. Demonstrates competence in problem-solving strategies and critical thinking skills
F2. Demonstrates competence in basic reading skills
F3. Demonstrates competence in basic math skills
F4. Demonstrates competence in basic written langage skills
F5. Demonstrates competence in other academics
F6. Demonstrates competence in nonacademic areas
F7. Demonstrates competence in communication
(a) Voice, (b) Fluency
(c) Language, (d) Articulation
(e) Pragmatics
F8. Other

G. Personal and Social Adjustment - Extent to which individual demonstrates socially acceptable behavior.

G1. Copes effectively with personal challenges, frustrations, and stressors
G2. Has positive self image
G3. Respects cultural and individual differences
G4. Gets along with other people
G5. Other

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Column	Label	Codes
E1	**(IEP Goal) Progress Conclusion** is a judgment about the outcome of the intervention efforts as reflected by goal attainment. [enter one]. Question: Compared to the goal projected at the time of IEP planning, how did the individual perform in this goal area?	1= Goal met or exceeded: Trendline slope is greater than slope of goal line. 2= Goal not met but performance improved: Trendline slope reflects improvement in performance, but at a rate less than designated by goal line. 3= Goal not met and performance did not improve or got worse: Trendline slope reflects little or no change from baseline performance, or is moving away from the goal in an undesirable direction. X= Insufficient data are available for professional desicison making.
E2	**Discrepancy Conclusion** is a comparison of the magnitude of the discrepancy before the intervention (baseline) and after the intervention (at the end of year or annual review) [enter one]. Question: After implementing the special education program, is the individual farther behind peers, about the same distance behind peers or catching up to peers in the goal area?	L= Less discrepant from acceptable level of performance (indicates behavior is changing in a direction toward desired performance) M= More discrepant from acceptable level of performance than at beginning of intervention (indicates behavior is changing in a direction away from the desired performance) S= Same amount of discrepancy from acceptable level of performance as when intervention was begun (indicates behavior remains unchanged when viewed compared to the performance standard) X= Insufficient information is available for professional decision making.
E3	**Independence Conclusion:** is a judgment about the individual's improvement in performance as reflected by increased individual independence in the goal area [enter one]. Question: After provision of special education, does the individual perform more independently, less independently or about the same as prior to special education provision?	G= Greater The individual's independence in the goal area is meaningfully more than it was at the beginning of the goal period. U= Unchanged The individual's independence in the goal area is about the same as it was at the beginning of the goal period (not meaningfully changed). L= Less The individual's independence in the goal area is meaningfully less than it was at the beginning of the goal period. X= Insufficient information is available for professional decision making.
E4	**Goal Status:** Summarizes the teams decision about whether to continue or discontinue services in a goal area [enter one]. Question: Should special education continue to be provided in this goal area?	Dis= Discontinue special education services student achieved successul performance No Prog= Discontinue special education services student achieved no progress Grad= Discontinue special education services student garduated Con=Continue special education services to for increased success MOA=Discontinue, moved out of area

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Accommodations Checklist

PHYSICAL ARRANGEMENT OF ROOM:

_____ seating student near the teacher
_____ seating student near a positive role model
_____ standing near the student when giving directions or presenting lessons
_____ avoiding distracting stimuli (air conditioner, high traffic area, etc.)
_____ increasing distance between desks
_____ additional accommodations:______________________________

LESSON PRESENTATION:

_____ pairing students to check work
_____ writing key points on board
_____ providing peer tutoring
_____ providing visual aids, large print, films
_____ providing peer notetaker
_____ making sure directions are understood
_____ including a variety of activities during each lesson
_____ repeating directions to the student after they have been given to the class: then have him/her repeat and explain direction to teacher
_____ providing written outline
_____ allowing student to tape record lessons
_____ having child review key points orally
_____ teaching through multi-sensory modes, visual, auditory, kinestetics, olfactory
_____ using computer-assisted instruction
_____ accompany oral directions with written directions for child to refer to blackboard or paper
_____ providing a model to help students, post the model and refer to it often
_____ providing cross age peer tutoring
_____ assisting the student in finding the main idea underlying, highlighting, cue cards, etc.
_____ breaking longer presentations into shorter segments
_____ additional accommodations:______________________________

ASSIGNMENTS/WORKSHEETS:

_____ giving extra time to complete tasks
_____ simplifying complex directions
_____ handing worksheets out one at a time
_____ reducing the reading level of the assignments
_____ requiring fewer correct responses to achieve grade (quality vs. quantity)
_____ allowing student to tape record assignments/homework
_____ providing a structured routine in written form
_____ providing study skills training/learning strategies
_____ giving frequent short quizzes and avoiding long tests
_____ shortening assignments; breaking work into smaller segments
_____ allowing typewritten or computer printed assignments prepared by the student or dictated by the student and recorded by someone else if needed.
_____ using self-monitoring devices
_____ reducing homework assignments
_____ not grading handwriting
_____ student should be allowed to use cursive or manuscript writing
_____ reversals and transpositions of letters and numbers should not be marked wrong, reversals or transpositions should be pointed out for correction

_____ do not require lengthy outside reading assignments
_____ teacher monitor students' self-paced assignments (daily, weekly, bi-weekly)
_____ arrangements for homework assignments to reach home with clear, concise directions
_____ recognize and give credit for student's oral participation in class
_____ additional recommendations:_______________________________

TEST TAKING:

_____ allowing open book exams
_____ giving exam orally
_____ giving take home tests
_____ using more objective items (fewer essay responses)
_____ allowing student to give test answers on tape recorder
_____ giving frequent short quizzes, not long exams
_____ allowing extra time for exam
_____ reading test item to student
_____ avoid placing student under pressure of time or competition
_____ additional accommodations:_______________________________

ORGANIZATION:

_____ providing peer assistance with organizational skills
_____ assigning volunteer homework buddy
_____ allowing student to have an extra set of books at home
_____ sending daily/weekly progress reports home
_____ developing a reward system for in-schoolwork and homework completion
_____ providing student with a homework assignment notebook
_____ additional accommodations:_______________________________

BEHAVIORS:

_____ use of timers to facilitate task completion
_____ structure transitional and unstructured times (recess, hallways, lunchroom, locker room, library, assembly, field trips, etc.)
_____ praising specific behaviors
_____ using self-monitoring strategies
_____ giving extra privileges and rewards
_____ keeping classroom rules simple and clear
_____ making "prudent use" of negative consequences
_____ allowing for short breaks between assignments
_____ cueing student to stay on task (nonverbal signal)
_____ marking student's correct answers, not his mistakes
_____ implementing a classroom behavior management system
_____ allowing student time out of seat to run errands, etc.
_____ ignoring inappropriate behaviors not drastically outside classroom limits
_____ allowing legitimate movement
_____ contracting with the student
_____ increasing the immediacy of rewards
_____ implementing time-out procedures
_____ additional accommodations:_______________________________

MEDICATION:

name of physician: _______________________________
phone: _______________________________
medication(s): _______________________________

schedule: ____
schedule: ____
monitoring of medication(s)_____daily _____weekly _____as needed basis
administered by staff member responsible to insure student takes medication and documentation: : ____

SPECIAL CONSIDERATIONS:

_____ suggesting parent program(s)
_____ monitoring student closely on field trip
_____ inservicing all relevant school personnel on child's handicap
_____ altering bus driver
_____ suggesting agency involvement
_____ providing group/individual counseling
_____ providing social skills group experiences
_____ developing intervention strategies for transitional periods (e.g. cafeteria, physical education, etc.)
_____ providing specific time limit for extra help outside of classroom time
_____ additional accommodations:_______________________________________

Comments:

Participants: (name and title)

Case manager's signature:

Example of an Instructional Accommodations Format to Add to the IEP

IEP Form for Identifying Accommodations

Name:

Grade:

Date:

Use the following checklist to guide decisions about what instructional accommodations are needed by this student.

Instructional Accommodation Checklist

Setting
- ◊ Distraction-free space within classroom (e.g. doorway, windows, other students, front of class, back of class)
- ◊ One-to-one assistance to complete written tasks
- ◊ On-task reminders
- ◊ Several verbal prompts to initiate a task
- ◊ Verbal encouragement, praise, or recognition to continue a task
- ◊ Directions repeated and/or clarified
- ◊ Small group or partner instruction, especially when learning or practicing new facts, concepts, and strategies
- ◊ Adaptive furniture
- ◊ Other

Timing
- ◊ Periodic breaks during work sessions (specify)
- ◊ Other

Scheduling
- ◊ Extended time to complete class/homework assignments
- ◊ Length of assignments shortened to complete as overnight homework assignments
- ◊ A daily assignment sheet
- ◊ A weekly quick strategic assignment meeting
- ◊ A weekly or monthly assignment calendar
- ◊ A weekly or monthly assignment calendar with check-in and due dates posted

Presentation
- ◊ Visual cues or printed materials to facilitate understanding of orally given directions
- ◊ Directions repeated, clarified, or simplified
- ◊ Directions read individually
- ◊ Visual magnification device
- ◊ Auditory amplifications device
- ◊ Written directions read
- ◊ Key words or phrases in written directions highlighted
- ◊ Visual prompts (e.g. stop signs, arrows) that show directions to start, stop, and continue working
- ◊ Written directions presented in larger and/or bold print
- ◊ Written directions presented with one complete sentence per line of text

Example of an Instructional Accommodations Format to Add to the IEP (Cont'd)

- Reader to read the text
- Pencil grip
- Access to a prerecorded reading
- Test presented in sign language
- Written information presented in Braille or large print
- Increased spacing between items and/or limited items presented per page
- Templates or masks to reduce visible print
- Papers secured to desk (e.g. magnets, tape)
- Calculator*
- Abacus
- Arithmetic tables*
- Spell checker or spelling dictionary*
- Manipulatives
- Other

Response

- Text-talker converter
- Speech synthesizer
- Pencil grip
- Word processor
- Scribe (someone to record verbatim oral responses to questions)
- Braille
- Copying assistance between drafts of writing
- Option to write an outline to a questions and, using a tape recorder, dictate the body of the response, per the written outline
- Option to dictate answer into a tape recorder
- Visual magnification device

- Touch Talker or other communication device
- Calculator*
- Abacus
- Arithmetic tables*
- Spell checker or spelling dictionary*
- Other

*Based on the purpose of the assignment and what and how the skill(s) will be assessed.

Documentation for Determining Participation in District Wide Assessment

The Individuals with Disabilities Education Act presupposes that all special education students will fully participate in all district wide assessments in the same manner as their nondisabled peers unless a staffing team determines that: (1) such participation is not appropriate without reasonable accommodations or (2) such assessment is not appropriate and identifies an alternate form of assessment.

I. Determine which of the following statements best describes the student's curriculum.

		District Wide Assessment		
	General Description of **Curriculum** Presented	No Accom. Needed	Accom. Needed	Alternate Assessment
A.	Student participates with no or only slight modification in general academic **curriculum.**			■
B.	Student participates with significant modification to the general academic **curriculum.**	■		
C.	Student does not participate in general academic **curriculum.** Student receives an alternative **curriculum.**	■	■	

II. Accommodations necessary for student to participate in district wide assessment.

III. Alternate Assessment

1. Describe why district wide assessment is not appropriate.

2. Describe how student will be assessed.

Appendix D

Glossary of Terms

Accommodations: supports or services provided to help a student access the general curriculum and validly demonstrate learning.

Adaptations: any procedure intended to meet an educational situation with respect to individual differences in ability or purpose.

Annual Goal: a statement that describes what a child with a disability can reasonably be expected to accomplish within a twelve-month period in the child's special education program. There should be a direct relationship between the annual goals and the present levels of educational performance.

Annual Improvement Goals: goals which describe the district's desired rate of improvement for students.

Assistive Technology: any item, piece of equipment or product system, whether acquired commercially or off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

Assistive Technology Services: any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Baseline Performance: to measure baseline performance, a point in time is selected from which one can monitor changes or improvement in student performance.

Behavioral Intervention Plan: written, specific, purposeful, and organized plan which describes positive behavioral interventions and other strategies that will be implemented to address goals for a student's social, emotional, and behavioral development. For students whose behavior prompts disciplinary action by the school, the behavioral intervention plan addresses the behavior(s) of concern that led to conducting a functional behavioral assessment.

Benchmarks (Major Milestones): are major milestones which specify skill or performance levels a student needs to accomplish toward reaching their annual goal.

Competencies: a competency is a learned student performance statement which can be accurately repeated and measured. Competencies function as the basis for building the instructional program.

Consensus: the mutual feeling that all concerns have been addressed and that everyone has been heard and understood.

Content Standards: describe the goals for individual student achievement. They specify what students should know and be able to do in identified disciplines or subject areas. (See 3.3.2)

Continuum of Services: for preschool children, ages three through five, means the availability of different types of settings where specialized services may be delivered. For school-age children it means the availability of different types of educational environments.

Course of Study: a general statement that identifies the career path that is based on the student's vision and his or her needs, interests, and preferences.

Critical Skills: are knowledge or performance skills that are essential to the progress of a student.

Discrepancy Conclusion: a comparison of the student with disabilities with peers at two points in time, at the beginning of the IEP period and at the point of the annual review.

District Benchmarks: more clearly defined content standards at specific grade levels or transition levels such as the end of primary grades. They describe with more specificity the needed information and skills at various levels to ensure attainment of the standard.

District Standards: district goals for student achievement and performance that can be measured by measuring the improvement of students' skills in reading, writing, speaking, listening, mathematics, reasoning, studying, and technological literacy.

District-wide Assessment: a large-scale academic achievement assessment.

Emergency Health Plan: plan that is written to outline a student's needs in the areas of confidential special health services.

Extended School Year Services: special education and related services that are provided to a child with a disability beyond the normal school year of the public agency; in accordance with the child's IEP; and at no cost to the parents of the child; and meet the standards of the SEA.

Functional Behavioral Assessment: assessment that enhances an understanding of the purpose and function of a student's behaviors and subsequently provides information that leads to interventions and needed supports.

General Curriculum: a description of the standards and benchmarks adopted by an LEA or schools within an LEA that applies to ALL children. It is applicable to children with disabilities as well as non-disabled children and related to the content of the curriculum and not to the setting in which it is used. It is the basis of planning instruction for **all** students.

General Education Intervention: are attempts to resolve presenting problems or behaviors of concern in the general education environment prior to conducting a full and individual evaluation.

Independence Conclusion: is a judgment about the outcome from the educational efforts related to the IEP goal. It is based on information about the individual's performance improvement.

Individual Health Plan: a plan that is written to outline a student's needs in the areas of confidential special health services.

Individualized Education Program: a written statement for a child with a disability that is developed, reviewed, and revised.

Instructional Services: are the specially designed instruction and accommodations provided by special education instructional personnel to eligible individuals.

Least Restrictive Environment: means that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled.

Limited English Proficiency: is when an individual's primary language is not English.

Manifestation Determination: See section 7 of the main text of this document.

Modifications: are changes made to the content and performance expectations for students.

Monitoring Strategy: is a guide to how data will be collected to make decisions about the progress of a student and it establishes the decision making plan for examining data collected.

Performance Standards: standards that specify how good is good enough and describe at least three levels of student performance. The federal Elementary and Secondary Education Act (ESEA) requires that at least three levels of performance be established to assist in determining which students have or have not achieved a satisfactory or proficient level of performance for reading and mathematics. Districts may decide to provide more than three performance levels.

Physical Education: is the term of development of physical and motor fitness, fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). The term also refers to special physical education, adaptive physical education, movement education, and motor development.

Pre-meeting Notice: See section 2 of the main text of this document.

Present Level of Educational Performance: is a summary statement which describes the student's current achievement in the areas of need as determined by an evaluation.

Primary Learning Medium: The primary learning medium is the medium most frequently used by a student with a visual impairment during classroom instruction. A primary learning medium can also be utilized in a wide variety of settings inside and outside the classroom. It should permit independence and efficiency in both reading and writing. A primary learning medium will become a primary living medium. It must, therefore, accommodate academic, nonacademic, and vocational needs and be applicable to adult activities following the termination of school.

Progress Monitoring: is a method of monitoring a student's progress that enables the IEP team to discern whether changes need to be made in the IEP.

Related Services: means developmental, corrective, and other services that are required to assist an individual with a disability to benefit from special education.

Review & Revision of the IEP: Each agency shall initiate and conduct meetings to review each eligible individual's IEP periodically and, if appropriate, revise its provisions. A meeting must be held for this purpose at least once a year.

Secondary Learning Medium: A secondary learning medium is a medium that is learned in order to allow a student with visual impairment to perform specific tasks not easily performed in the primary learning medium. It may alleviate fatigue experienced when using the primary learning medium for extended periods of time. It may be appropriate when a visual prognosis indicates a future loss of vision and, therefore a changing learning medium. It may also be appropriate when functional assessment criteria suggest the student may benefit by using different media under some conditions.

Short-term Objectives: measurable, intermediate steps between a student's present level of educational performance and the annual goals of the student.

Special Education: specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

Standard: a clear statement that expresses what students are expected to know and be able to do. In Iowa, local school districts and communities are responsible for setting high quality standards.

Student Achievement Goals: Code of Iowa section 280.18 states, "The board of directors of each school district shall adopt goals to improve student achievement and performance." This section of Code is used as the basis to establish both content and performance standards.

Student Learning Goals: Student learning goals define the expected end results of education. As a result of the community needs assessment districts often define the competencies (expectations, goals, outcomes) required of graduates.

Supplementary Aids & Services: services provided in order for an eligible individual to be served in the general education classroom environment, which may include intensive short-term specially designed instruction; educational interpreters; readers for individuals with visual impairments; special education assistants; special education assistants for individuals with physical disabilities for assistance in and about school, and for transportation; materials; and specialized or modified instructionally related equipment for use in the school.

Support Services: are the specially designed instruction and activities which augment, supplement or support the educational program of eligible individuals. These services are usually provided by the AEA but may be provided by contractual agreement, subject to the approval of the board, by another qualified agency.

Transition: is a coordinated set of activities for a student with a disability that is designed with an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

Transportation: is a related services that refers to the means by which a student travels to and from school.

Vocational Education: means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

Written Prior Notice: See section 20 of the main text of this document.

Resources

1) **Title:** *Guidelines for the Provision of Extended Year Services for Special Education Students*
Author, Date, & Publisher: Ad-hoc Commitee EYSE, (1997). Des Moines, IA: Mountain Plains Regional Resource Center and Iowa Department of Education.

2) **Title:** *Better IEPs: How to develop legally correct and educational useful programs*
Author, Date, & Publisher: Bateman, B. (1996). (2nd ed.). Longmont, Co: Sopris West.

3) **Title:** *I.E.P. Procedures Manual*
Author, Date, & Publisher: Mississippi Bend Area Education Agency, (1996). Bettendorf, IA: Mississippi Bend Area Education Agency.

4) **Title:** *Developing Quality Individual Educational Programs: A guide for instructional personnel.*
Author, Date, & Publisher: Florida Department of Education, (1997). Division of Public Schools and Community Education: Bureau of Instructional Support and Community Services.

5) **Title:** *The Individualized Education Program (IEP): A tour book for the journey.*
Author, Date, & Publisher: Ohio Department of Education, (1995). Division of Special Education, Division of Early Childhood Education.

6) **Title:** *Guide for Effective Paraeducator Practices in Iowa.*
Author, Date, & Publisher: Iowa Department of Education, (1998). Des Moines, IA: Division of Early Childhood, Elementary and Secondary Education.

7) **Title:** *Iowa Special Education Effectiveness Results: I-SEE Results 97 user's manual.*
Author, Date, & Publisher: Iowa Local School Districts, Area Education Agencies, Iowa Department of Education, (1997). Des Moines, IA: Iowa Department of Education.

8) **Title:** *Technical Assistance Guide: Helping students develop their IEPs.*
Author, Date, & Publisher: National Information Center for Chidren and Youth with Disabilities (NICHCY), (1995). Washington, DC: NICHCY- the National Information Center for Children and Youth with Disabilities: 1-800-695-0285 (Voice/TT) and 202-884-8200 (Voice/TT).

9) **Title:** *A Student's Guide to the IEP.*
Author, Date, & Publisher: McGahee-Kovac, M., (1995). Washington, DC: NICHCY-the National Information Center for Children and Youth with Disabilities: 1-800-695-0285 (Voice/TT) and 202-884-8200 (Voice/TT).

10) **Title:** *The School Nurse's Source Book of Individualized Healthcare Plans.*
Author, Date, & Publisher: Gerber, M.J., Kalb, K.M., Luehr, R.E., Miller, W.R., Silkworth, C.K., & Will, S.I.S., (1993). Haas, M.B. (Ed.). (Vol. 1). North Branch, MN: Sunrise River Press.

11) **Title:** *Working Together Towards Successful Transition: School to adult life.*
Author, Date, & Publisher: Iowa Department of Education, (in press). Des Moines, IA: Iowa Department of Education.

12) **Title:** *Promoting Academic Success for ESOL Students: Understanding Second Language Acquisition for School.*
Author, Date, & Publisher: Collier, V., (1995). Elizabeth, NJ: New Jersey Teachers of English to Speakers of Other Languages- Bilingual Teachers.

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Hoover, J. J., & Collier, C. (1989). Methods and materials for bilingual special education. In L. M. Baca & H. T. Cervantes (Eds.), The bilingual special education interface (pp. 231-255). Columbus, OH: Merrill.

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Questions and Answers
Appendix C
Code of Federal Regulations
October 22, 1997

1. What are the major Part B IEP requirements that govern the involvement and progress of children with disabilities in the general curriculum?

Present Levels of Educational Performance

Section 300.347(a)(1) requires that the IEP for each child with a disability include "* * * a statement of the child's present levels of educational performance, including—(i) How the child's disability affects the child's involvement and progress in the general curriculum; or (ii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities * * *" ("Appropriate activities" in this context refers to age-relevant developmental abilities or milestones that typically developing children of the same age would be performing or would have achieved.)

Measurable Annual Goals, Including Benchmarks or Short-term Objectives

Measurable annual goals, including benchmarks or short-term objectives, are instrumental to the strategic planning process used to develop and implement the IEP for each child with a disability. Once the IEP team has developed measurable annual goals for a child, the team can (1) develop strategies that will be most effective in realizing those goals and (2) develop measurable, intermediate steps (short-term objectives) or major milestones (benchmarks) that will enable families, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP consistent with the child's instructional needs.

Part B's strong emphasis on linking the educational program of children with disabilities to the general curriculum is reflected in Sec. 300.347(a)(2), which requires that the IEP include:

a statement of measurable annual goals, including benchmarks or short-term objectives, related to—(i) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (ii) meeting each of the child's other educational needs that result from the child's disability.

Special Education and Related Services and Supplementary Aids and Services

The requirements regarding services provided to address a child's present levels of educational performance and to make progress toward the identified goals reinforce the emphasis on progress in the general curriculum, as well as maximizing the extent to which children with disabilities are educated with nondisabled children. Section 300.347(a)(3) requires that the IEP include:

a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—(i) To advance appropriately toward attaining the annual goals; (ii) to be involved and progress in the general curriculum * * * and to participate in extracurricular and other nonacademic activities; and (iii) to be educated and participate with other children with disabilities and nondisabled children in [extracurricular and other nonacademic activities] * * *

Extent to Which Child Will Participate With Nondisabled Children

Section 300.347(a)(4) requires that each child's IEP include "* * * an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and other nonacademic] activities] * * *" This is consistent with the least restrictive environment provisions at Secs. 300.550-300.553, which include requirements that:

(1) Each child with a disability be educated with nondisabled children to the maximum extent appropriate (Sec. 300.550(b)(1));

(2) Each child with a disability be removed from the regular educational environment only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Sec. 300.550(b)(1)); and

(3) To the maximum extent appropriate to the child's needs, each child with a disability participates with nondisabled children in nonacademic and extracurricular services and activities (Sec. 300.553).

Participation in State or District-wide Assessments of Student Achievement

Consistent with Sec. 300.138(a), which sets forth a presumption that children with disabilities will be included in general State-and district-wide assessment programs, and provided with appropriate accommodations if necessary, Sec. 300.347(a)(5) requires that the IEP for each student with a disability include: (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and (ii) if the IEP Team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—(A) Why that assessment is not appropriate for the child; and (B) How the child will be assessed.

Regular Education Teacher Participation in the Development, Review, and Revision of IEPs

Very often, regular education teachers play a central role in the education of children with disabilities (House Report No. 105-95, p. 103 (1997)) and have important expertise regarding the general curriculum and the general education environment. Further, especially with the emphasis on involvement and progress in the general curriculum added by the IDEA Amendments of 1997, regular education teachers have an increasingly critical role in implementing, together with special education and related services personnel, the program of FAPE for most children with disabilities, as described in their IEPs. Accordingly, the IDEA Amendments of 1997 added a requirement that each child's IEP team must include at least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment (see Sec. 300.344(a)(2)). *(See also Secs. 300.346(d)* on the role of a regular education teacher in the development, review and revision of IEPs.)

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2. Must a child's IEP address his or her involvement in the general curriculum, regardless of the nature and severity of the child's disability and the setting in which the child is educated?

Yes. The IEP for all children with disabilities must address how the child will be involved and progress in the general curriculum, as described. The Part B regulations recognize that some children with disabilities will have some educational needs that result from their disabilities that cannot be fully met by involvement and progress in the general curriculum; accordingly, Sec. 300.347(a)(2) requires that each child's IEP include:

a statement of measurable annual goals, including benchmarks or short-term objectives, related to—(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (ii) meeting each of the child's other educational needs that result from the child's disability. Thus, the IEP team for each child with a disability must make an individualized determination regarding how the child will participate in the general curriculum, and what, if any, educational needs that will not be met through involvement in the general curriculum should be addressed in the IEP. This includes children who are educated in separate classrooms or schools.

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3. What must public agencies do to meet the requirements at Secs. 300.344(a)(2) and 300.346(d), regarding the participation of a "regular education teacher" in the development and review of the IEP, for children aged 3 through 5 who are receiving preschool special education services?

If a public agency provides "regular education" preschool services to non-disabled children, then the requirements of Secs. 300.344(a)(2) and 300.346(d) apply as they do in the case of older children with disabilities. If a public agency makes kindergarten available to nondisabled children, then a regular education kindergarten teacher could appropriately be the regular education teacher who would participate in an IEP meeting for a kindergarten-aged child who is, or may be, participating in the regular education environment. If a public agency does not provide regular preschool education services to nondisabled children, the agency would designate an individual who, under State standards, is qualified to serve nondisabled children of the same age.

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4. Must the measurable annual goals in a child's IEP address all areas of the general curriculum, or only those areas in which the child's involvement and progress are affected by the child's disability?

Section 300.347(a)(2) requires that each child's IEP include a "* * * statement of measurable annual goals, including benchmarks or short-term objectives, related to—(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (ii) meeting each of the child's other educational needs that result from the child's disability* * * *" (Italics added). Thus, a public agency is not required to include in an IEP annuals goals that relate to areas of the general curriculum in which the child's disability does not affect the child's ability to be involved in and progress in the general curriculum.

II. Involvement of Parents and Students

One of the key purposes of the IDEA Amendments of 1997 is to "Expand and promote opportunities for parents, special education, related services, regular education, and early intervention service providers, and other personnel to work in new partnerships at both the State and local levels (House Report 105-95, p. 82 (1997)). Indeed, the Committee viewed the Amendments as an opportunity to "[strengthen] the role of parents." (House Report 105-95, p-82 (1997).) Accordingly, the Amendments require that parents have "an opportunity * * * to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE to the child" (Sec. 300.501). Parents must now be part of the teams that determine what additional data are needed as part of an evaluation of their child (Sec. 300.533(a)(1)); their child's eligibility (Sec. 300.534(a)(1)); and the educational placement of their child (Sec. 300.501(c)). Parents' concerns, and information that they provide regarding their children, must be considered in developing and reviewing their children's IEPs (Secs. 300.343(c)(iii) and 300.346 (a)(1)(i) and (b)).

As explained, the requirements for keeping parents informed about the educational progress of their children, particularly as it relates to their progress in the general curriculum, have been strengthened (Sec. 300.347(a)(7)).

The IDEA Amendments of 1997 and the 1990 amendments have both included provisions which greatly strengthen involvement of students with disabilities in decisions regarding their own futures, to facilitate movement from school to post-school activities. The IDEA Amendments of 1990 included provisions regarding transition services, which require: (a) A coordinated set of activities within an outcome-oriented process to facilitate movement from school to post-school activities; (b) that the transition services provided to each student be "* * * based on the individual student's needs, taking into account the student's preferences and interests" (Sec. 300.27(b)), (c) that the public agency invite a student with a disability to any IEP meetings for which a purpose is the consideration of transition services (Sec. 300.344(b)(1)), and that, if "* * * the student does not attend, the public agency * * * take other steps to ensure that the student's preferences and interests are considered (Sec. 300.344(b)(2)). States may now transfer most parent rights under Part B to the student when the student reaches the age of majority under State law (Sec. 300.517), and beginning at least one year before a student reaches the age of majority under State law, the IEP must include a statement that the student has been informed of any rights that will transfer to him or her upon reaching the age of majority (Sec. 300.347(c)).

5. What is the role of the parents, including surrogate parents, in decisions regarding the educational program of their children?

The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information about their child's abilities, interests, performance, and history, (2) participate in the discussion about the child's need for special education and related services and supplementary aids and services, and (2) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting.

As noted, Part B specifically provides that parents have the right to: (a) Participate in meetings about their child's identification, evaluation, educational program (including IEP meetings), and educational placement (Secs. 300.344(a)(1) and 300.517);

(b) Be part of the teams that determine what additional data are needed as part of an evaluation of their child (Sec. 300.533(a)(1)), and determine their child's eligibility (Sec. 300.534(a)(1)) and educational placement (Sec. 300.501(c));

(c) Have their concerns and information that they provide regarding their child considered in developing and reviewing their child's IEPs (Secs. 300.343(c)(iii) and 300.346 (a)(1)(i) and (b)); and

(d) Be regularly informed (by such means as periodic report cards), as specified in their child's IEP, at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals in the IEP and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year (Sec. 300.347(a)(7)).

A surrogate parent is a person appointed to represent the interests of a child with a disability in the educational decision-making process when no parent (as defined at Sec. 300.19) is known, the agency, after reasonable efforts, cannot locate the child's parents, or the child is a ward of the State under the laws of the State. A surrogate parent has all of the rights and responsibilities of a parent under Part B. Thus, the surrogate parent is entitled to (1) participate in the child's IEP meeting, (2) examine the child's education records, and (3) receive notice, grant consent, and invoke due process to resolve differences. (See Sec. 300.515, Surrogate parents.)

6. What are the Part B requirements regarding the participation of a child or youth with a disability in an IEP meeting?

If a purpose of an IEP meeting will be the consideration of needed transition services, the public agency must invite the student and, as part of notification to the parent of the IEP meeting, inform the parents that the agency will invite the student to the IEP meeting. If the student does not attend, the public agency must take other steps to ensure that the student's preferences and interests are considered. Section Sec. 300.517 permits States to transfer procedural rights under Part B from the parents to students with disabilities who reach the age of majority under State law, but who have not been determined to be incompetent under State law. If procedural rights under Part B are, consistent with State law and Sec. 300.517, transferred from the parents to the student, the public agency would be required to ensure that the student has the right to participate in IEP meetings set forth for parents in Sec. 300.345. However, at the discretion of the student or the public agency, the parents also could attend IEP meetings as "individuals who have knowledge or special expertise regarding the child * * *" (see Sec. 300.344(a)(6)).

In other circumstances, the child may attend "if appropriate." (Sec. 300.344(a)(7)) Generally, a child with a disability should attend the IEP meeting if the parent decides that it is appropriate for the child to do so. If possible, the agency and parents should discuss the appropriateness of the child's participation before a decision is made, in order to help the parents determine whether or not the child's attendance will be (1) helpful in developing the IEP or (2) directly beneficial to the child or both. The agency should inform the parents before each IEP meeting—as part of notification under Sec. 300.345(a)(1)—that they may invite their child to participate.

7. Must the public agency let the parents know who will be at the IEP meeting?

Yes. In notifying parents about the meeting, the agency "must indicate the purpose, time, and location of the meeting, and who will be in attendance." (Sec. 300.345(b), italics added.) In addition, if a purpose of the IEP meeting is the consideration of transition services for a student, the notice must also inform the parents that the agency is inviting the student, and identify any other agency that will be invited to send a representative. The public agency should also inform the parents of their right to invite to the meeting "other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate * * *" (Sec. 300.344(a)(6)). It is also appropriate for the agency to ask the parents what if any individuals they will to bring to the meeting.

8. Do parents have the right to a copy of their child's IEP?

Yes. Section 300.345(f) states that the public agency shall give the parent, on request, a copy of the IEP. It is recommended that public agencies provide parents with a copy of the IEP within a reasonable time following the IEP meeting, or inform them at the IEP meeting of their right to request and receive a copy.

9. What is a public agency's responsibility if it is not possible to reach consensus on what services should be included in a child's IEP?

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the child's needs and appropriate goals, the extent to which the child will be involved in the general curriculum and participate in the regular education environment and State and districtwide assessments, and the services needed to support that involvement and participation and to achieve agreed-upon goals. Parents are to be equal partners with school personnel in making these decisions, and the IEP team must consider parents' concerns and information that they provide regarding their child in developing and reviewing IEPs (Secs. 300.343(c)(iii) and 300.346(a)(1) and (b)).

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. If it is not possible to reach consensus in an IEP meeting, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program and placement, and the parents have the right to seek resolution of any disagreements through mediation or other informal means, or by initiating an impartial due process hearing. Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step, without resort to a due process hearing. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing.

10. Does Part B require that public agencies inform parents regarding the educational progress of their children with disabilities?

Yes, the Part B statute and regulations include a number of provisions to help ensure that parents are involved in decisions regarding, and informed about, their child's educational progress, including the child's progress in the general curriculum. First, the parents will be informed regarding their child's present levels of educational performance through the development of the IEP. Section 300.347(a)(1) requires that each IEP include:

> * * * a statement of the child's present levels of educational performance, including—(i) How the child's disability affects the child's involvement and progress in the general curriculum; or (ii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities * * *

Further, Sec. 300.347(a)(7) sets forth requirements for regularly informing parents about their child's educational progress. That section requires that the IEP include:

> * * * a statement of—(i) How the child's progress toward the annual goals * * * will be measured; and (ii) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents of nondisabled children are informed, of— (A) Their child's progress toward the annual goals * * * ; and (B) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Finally, the parents will, as part of the IEP team, participate, at least once every 12 months, in a review of their child's educational progress. Part B requires that a public agency initiate and conduct a meeting, at which the IEP team:

> * * * (1) Reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and (2) revises the IEP as appropriate to address— (i) Any lack of expected progress toward the annual goals * * * and in the general curriculum, if appropriate; (ii) The results of any reevaluation * * * ; (iii) Information about the child provided to, or by, the parents * * * ; (iv) The child's anticipated needs; or (v) Other matters.

III. Preparing Students With Disabilities for Employment and Other Post-School Experiences

One of the primary purposes of the IDEA is to "* * * ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living * * *" (Sec. 300.1(a)).

Similarly, one of the key purposes of the IDEA Amendments of 1997 was to "promote improved educational results for children with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment." (House Report No. 105-95, p. 82 (1997).) Thus, throughout their preschool, elementary, and secondary education, the IEP for each child with a disability must, to the extent appropriate for the individual child, focus on providing instruction and experiences that enable the child to prepare himself or herself for later educational experiences and for post-school activities, including formal education, if appropriate, employment, and independent living.

Although preparation for adult life is, as explained, a key component of a free appropriate public education throughout a child's educational experiences, Part B sets forth specific requirements for transition from secondary education to post-school activities, which must be implemented no later than age 14 and 16, respectively, which require an intensified focus on that preparation as students with disabilities begin and prepare to complete their secondary education.

11. What must the IEP team do to meet the requirements that the IEP include "a statement of * * * transition service needs" beginning at age 14 (Sec. 300.347(b)(1)(i))," and a statement of needed transition services" no later than age 16 (Sec. 300.347(b)(1)(ii))?

Section 300.347(b)(1) requires that, beginning no later than age 14, each student's IEP include specific transition-related content, and, beginning no later than age 16, a statement of needed transition services:

Beginning at age 14, each student's IEP must include "* * * a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program)" (Sec. 300.347(b)(1)(i)).

No later than age 16 (and younger, if determined appropriate by the IEP Team), each student's IEP must include "a statement of needed transition services for the child, including, if appropriate, a statement of the interagency responsibilities or any needed linkages * * *" (Sec. 300.347(b)(1)(ii)).

The House Report on the IDEA Amendments of 1997 makes clear that the requirement added to the statute in 1997 that beginning at age 14, or younger if appropriate, the IEP include "a statement of the transition service needs" is "* * * designed to augment, and not replace," the separate, preexisting requirement that the IEP include, "* * * beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services * * *" (House Report No. 105-95, p. 102 (1997).) As clarified by the Report, "The purpose of [the requirement in Sec. 300.347(b)(1)(i)] is to focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school." (House Report No. 105-95, pp. 101-102 (1997).) The report further explains that "[F]or example, for a child whose transition goal is a job, a transition service could be teaching the child how to get to the job site on public transportation." (House Report No. 105-95, p-102 (1997).) Thus, beginning at age 14, the IEP team, in determining appropriate measurable annual goals (including benchmarks or short-term objectives) and services for a student, must determine what instruction and educational experiences will assist the student to prepare for transition from secondary education to post-secondary life. The statement of transition service needs should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals. For example, a student interested in exploring a career in computer science may have a statement of transition service needs connected to technology course work, while another student's statement of transition needs could describe why public bus transportation training is important for future independence in the community. Though the focus of the transition planning process may shift as the student approaches graduation, the IEP team must discuss specific areas beginning at the age of 14 years and review these areas annually.

This requirement is distinct from the requirement, at Sec. 300.347(b)(1)(ii), that the IEP include:

> * * * beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

The term "transition services" is defined at Sec. 300.27 to mean:

> * * * a coordinated set of activities for a student with a disability that—(a) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (b) Is based on the individual student's needs, taking into account the student's preferences and interests; and (c) Includes—(1) Instruction; (2) Related services; (3) Community experiences; (4) The development of employment and other post-school adult living objectives; and (5) If appropriate, acquisition of daily living skills and functional vocational evaluation. (Section Sec. 300.347(b)(2) provides, however, that, "If the IEP team determines that services are not needed in one or more of the areas specified in Sec. 300.27((c)(1) through (4), the IEP must include a statement to that effect and the basis upon which the determination was made.)

Thus, while Sec. 300.347(b)(1)(i) requires that the IEP team begin by age 14 to address the student's need for instruction that will assist the student to prepare for transition, Sec. 300.347(b)(2)(ii) requires that by age 16 the IEP include a "coordinated set of activities * * *, designed within an outcome-oriented process, that promotes movement from school to post-school activities. * * *" Section 300.344(b)(3) further requires that, in implementing Sec. 300.347(b)(2)(ii), public agencies invite (in addition to required participants for all IEP meetings), must also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. Thus, Sec. 300.346(a)(7)(ii) requires a broader focus on coordination of services across, and linkages between, agencies beyond the SEA and LEA.

12. Must the IEP for each student with a disability, beginning no later than age 16, include all "needed transition services," as identified by the IEP team and consistent with the definition at Sec. 300.27, even if an agency other than the public agency will provide those services? What is the public agency's responsibility if another agency fails to provide agreed-upon transition services?

Section 300.347(b)(1)(ii) requires that the IEP for each child with a disability, beginning no later than age 16, or younger if determined appropriate by the IEP team, include all "needed transition services," as identified by the IEP team and consistent with the definition at Sec. 300.27, regardless of whether the public agency or some other agency will provide those services. Section 300.346(b)(1)(ii) specifically requires that the statement of needed transition services include, "* * * if appropriate, a statement of the interagency responsibilities or any needed linkages."

Further, the need to include in the IEP transition services to be provided by agencies other than the public agency is contemplated by Sec. 300.348(a), which specifies what the public agency must do if another agency participating in the development of the statement of needed transition services fails to provide a needed transition service that it agreed to provide:

> If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the public agency responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the student's IEP.

This requirement is consistent with the public agency's ultimate responsibility to ensure that FAPE is available to each eligible child with a disability (see Sec. 300.300). That responsibility includes the planning and coordination of transition services through the IEP. This inter-agency planning and coordination may be supported through a variety of mechanisms, including memoranda of understanding, interagency agreements, assignment of a transition coordinator to work with other participating agencies, or the establishment of guidelines to work with other agencies identified as potential service providers. If an agreed-upon service by another agency is not provided, the public agency responsible for the student must exercise alternative strategies to meet the student's needs. This requires that the public agency provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the needs of the transition services needs of the student, and to revise the IEP accordingly. Alternative strategies might include the identification of another funding source, referral to another agency, the public agency's identification of other district-wide or community resources that it can use to meet the student's identified need appropriately, or a combination of these strategies. As emphasized by Sec. 300.348(b), however:

> Nothing in [Part B] relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

However, the fact that an agency other than the LEA does not fulfill its responsibility does not relieve the LEA of its responsibility to ensure that FAPE is available to each student with a disability.

Note: See also Sec. 300.142(b)(2), which requires that if an agency other than the LEA fails to provide or pay for a special education or related service (which could include a transition service), the LEA must provide or pay for the service, and may then claim reimbursement from the agency that failed to provide or pay for the service.

13. Under what circumstances must a public agency invite representatives from other agencies to an IEP meeting at which a child's need for transition services will be considered?

Section 300.344(c)(ii) requires that, "In implementing the requirements of [Sec. 300.347(b)(1)(ii) requiring a statement of needed transition services], the public agency shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services." To meet this requirement, the public agency must establish and implement appropriate procedures to ensure that it identifies all agencies that are "likely to be responsible for providing or paying for transition services" for each student addressed by Sec. 300.347(b)(1)(ii), and invites each of those agencies to the IEP meeting. If, during the course of an IEP meeting, the team identifies additional agencies that are "likely to be responsible for providing or paying for transition services" for the student, the public agency must determine whether it is necessary to invite those agencies to an additional IEP meeting in order to develop an appropriate statement of needed transition services for the student.

IV. Other Questions Regarding the Development and Content of IEPS

14. For a child with a disability receiving special education for the first time, when must an IEP be developed—before placement or after placement?

Section 300.342(b)(1) requires that an IEP be "in effect before special education and related services are provided to a child." (Italics added.) The appropriate placement for a particular child with a disability cannot be determined until after decisions have been made about the child's needs and the services that the public agency will provide to meet those needs. These decisions must be made at the IEP meeting, and it would not be permissible first to place the child and then develop the IEP. Therefore, the IEP must be developed before placement. This requirement does not preclude temporarily placing an eligible child with a disability in a program as part of the evaluation process—before the IEP is finalized—to assist a public agency in determining the appropriate placement for the child. It is essential that the temporary placement not become the final placement before the IEP is finalized. In order to ensure that this does not happen, the State might consider requiring LEAs to take the following actions:

a. Develop an interim IEP for the child that sets out the specific conditions and timelines for the trial placement. (See paragraph c.)

b. Ensure that the parents agree to the interim placement before it is carried out, and that they are involved throughout the process of developing, reviewing, and revising the child's IEP.

c. Set a specific timeline (e.g., 30 days) for completing the evaluation, finalizing the IEP, and making judgments about the most appropriate placement for the child.

d. Conduct an IEP meeting at the end of the trial period in order to finalize the child's IEP.

15. Who is responsible for ensuring the development of IEPs for children with disabilities served by a public agency other than an LEA?

The answer as to which public agency has direct responsibility for ensuring the development of IEPs for children with disabilities served by a public agency other than an LEA will vary from State to State, depending upon State law, policy, or practice. The SEA is ultimately responsible for ensuring that all Part B requirements, including the IEP requirements, are met for eligible children within the State, including those children served by a public agency other than an LEA. (See Sec. 300.600 regarding the SEA's general supervisory responsibility for all education programs for children with disabilities, with one exception. The Governor (or another individual pursuant to State law) may, consistent with State law, assign to any public agency in the State the responsibility of ensuring that Part B requirements are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.)

The SEA must ensure that every child with a disability in the State has FAPE available, regardless of which State or local agency is responsible for educating the child. (The only exception to this responsibility is that, as noted, the SEA is not responsible for ensuring that FAPE is made available to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons, if the State has assigned that responsibility to a public agency other than the SEA.) Although the SEA has flexibility in deciding the best means to meet this obligation (e.g., through interagency agreements), the SEA must ensure that no eligible child with a disability is denied FAPE due to jurisdictional disputes among agencies.

When an LEA is responsible for the education of a child with a disability, the LEA remains responsible for developing the child's IEP, regardless of the public or private school setting into which it places the child.

16. For a child placed out of State by an educational or non- educational State or local agency, is the placing or receiving State responsible for the child's IEP?

Regardless of the reason for the placement, the "placing" State is responsible for developing the child's IEP and ensuring that it is implemented. The determination of the specific agency in the placing State that is responsible for the child's IEP would be based on State law, policy, or practice. However, the SEA in the placing State is responsible for ensuring that the child has FAPE available.

17. If a disabled child has been receiving special education from one public agency and transfers to another public agency in the same State, must the new public agency develop an IEP before the child can be placed in a special education program?

If a child with a disability changes school districts in the same State, the State and its public agencies have an ongoing responsibility to ensure that the child receives FAPE, and the new public agency is responsible for ensuring that the child receives special education and related services in conformity with an IEP. The new public agency must ensure that the child has an IEP in effect before the agency can provide special education and related services. The new public agency may meet this responsibility by either adopting the IEP the former public agency developed for the child or by developing a new IEP for the child. Before the child's IEP is finalized, the new public agency may provide interim services agreed upon by both the parents and the new public agency. If the parents and the new public agency are unable to agree on an interim IEP and placement, the new public agency must implement the old IEP to the extent possible until a new IEP is developed and implemented.

In general, while the new public agency must conduct an IEP meeting, it would not be necessary if: (1) A copy of the child's current IEP is available; (2) the parents indicate that they are satisfied with the current IEP; and (3) the new public agency determines that the current IEP is appropriate and can be implemented as written.

If the child's current IEP is not available, or if either the new public agency or the parent believes that it is not appropriate, the new public agency must conduct an IEP meeting within a short time after the child enrolls in the new public agency (normally, within one week).

18. What timelines apply to the development and implementation of an initial IEP for a child with a disability?

Section 300.343(b) requires a public agency to: (1) Ensure that an offer of services in accordance with an IEP is made to parents within a reasonable period of time from the agency's receipt of parent consent to an initial evaluation; and (2) in meeting that timeline, conduct a meeting to develop the IEP within 30-calendar days of a determination that the child needs special education and related services. Section 300.342(b)(2) requires that an IEP be implemented as soon as possible following the meeting in which the IEP is developed.

19. Must a public agency hold separate meetings to determine a child's eligibility for special education and related services, develop the child's IEP, and determine the child's placement, or may the agency meet all of these requirements in a single meeting?

A public agency may, after a child is determined by "a team of qualified professionals and the parent" (see Sec. 300.534(a)(1)) to be a child with a disability who needs special education services, continue in the same meeting to develop an IEP for the child and to determine the child's placement. However, the public agency must ensure that it: (1) Meets all of the Part B requirements regarding meetings to develop IEPs, including providing appropriate notification to the parents, consistent with the requirements of Sec. 300.345, and including the required team participants, consistent with the requirements of Sec. 300.344; and (2) the requirements of Sec. 300.533 regarding eligibility decisions.

20. How frequently must a public agency conduct meetings to review, and if appropriate revise, the IEP for each child with a disability?

A public agency must initiate and conduct meetings periodically, but at least once every twelve months, to determine whether the annual goals for the child are being achieved, and to revise the IEP as appropriate to address: (a) Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate; (b) the results of any reevaluation; (c) information about the child provided to, or by, the parents; (d) the child's anticipated needs; or (e) other matters (Sec. 300.343(c)).

A public agency must also ensure that an IEP is in effect for each child at the beginning of each school year (Sec. 300.342(a)). It may conduct IEP meetings at any time during the year. However, if the agency conducts the IEP meeting prior to the beginning of the next school year, it must ensure that the IEP contains the necessary special education and related services and supplementary aids and services to ensure that the student's IEP can be appropriately implemented during the next school year. Otherwise, it would be necessary for the public agency to conduct another IEP meeting.

Although the public agency is responsible for determining when it is necessary to conduct an IEP meeting, the parents of a child with a disability have the right to request an IEP meeting at any time. For example, if the parents believe that the child is not progressing satisfactorily or that there is a problem with the child's current IEP, it would be appropriate for the parents to request an IEP meeting. If a child's teachers feels that the child's placement or IEP services are not appropriate to the child, the teachers should follow agency procedures with respect to (1) calling or meeting with the parents or (2) requesting the agency to hold another IEP meeting to review the child's IEP. The legislative history of Public Law 94-142 makes it clear that there should be as many meetings a year as any one child may need (121 Cong. Rec. S20428-29 (Nov. 19, 1975) (remarks of Senator Stafford)).

In general, if either a parent or a public agency believes that a required component of the student's IEP should be changed, the public agency must conduct an IEP meeting if it believes that the question of whether the student's IEP needs to be revised to ensure the provision of FAPE to the student is a matter that must be considered by the IEP team. If a parent requests an IEP meeting because the parent believes that a change in the provision of FAPE to the child or the educational placement of the child, and the agency refuses to convene an IEP meeting to determine whether such a change is needed, the agency must provide written notice to the parents of the refusal, including an explanation of why the agency has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student. Under Sec. 300.506(a), the parents or agency may initiate a due process hearing at any time regarding any proposal or refusal regarding the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.

21. May IEP meetings be audio or video-tape-recorded?

Part B does not address the use of audio or video recording devices at IEP meetings, and no other Federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, an SEA or public agency has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP meetings. If a public agency has a policy prohibiting the use of these devices at IEP meetings, that policy must provide for exceptions if they are necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed under Part B. Any recording of an IEP meeting that is maintained by the public agency is an "education record," within the meaning of the Family Educational Rights and Privacy Act ("FERPA"; 20 U.S.C. 1232g), and would, therefore, be subject to the confidentiality requirements of the regulations under both FERPA (34 CFR Part 99) and Part B (Secs. 300.560-300.575).

Parents wishing to use audio or video recording devices at IEP meetings should consult State or local policies for further guidance.

22. Who can serve as the representative of the public agency at an IEP meeting?

The IEP team must include a representative of the local educational agency who: (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the local educational agency (Sec. 300.344(a)(4)). Each State or local agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting,
so long as the individual meets these requirements. It is, however, important that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

Note: IEP meetings for continuing placements may in some instances be more routine than those for initial placements, and, thus, may not require the participation of a key administrator.

23. For a child with a disability being considered for initial placement in special education, which teacher or teachers should attend the IEP meeting?

A child's IEP team must include at least one of the student's regular education teachers (if the child is, or may be participating in the regular education environment) and

at least one special education teacher, or, if appropriate, at least one of the child's special education providers (Sec. 300.344(a)(2) and (3)). Each IEP must include a statement of present levels of educational performance, including a statement of how the child's disability affects the child's involvement and progress in the general curriculum (Sec. 300.347(a)(1)). The regular education teacher is a required participant on the IEP team of a child who is, or may be, participating in the regular educational environment, regardless of the extent of that participation.

The child's special education teacher could be either (1) a teacher qualified to provide special education in the child's area of suspected disability, or (2) another special education provider such as a speech pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under the applicable State standard.

Note: Sometimes more than one meeting is necessary in order to finalize a child's IEP. In this process, if the special education teacher who will be working with the child is identified, it would be useful to have that teacher participate in the meeting with the parents and other members of the IEP team in finalizing the IEP. If this is not possible, the agency should ensure that the teacher is given a copy of the child's IEP as soon as possible after the IEP is finalized and before the teacher begins working with the child.

24. If a child with a disability attends several regular classes, must all of the child's regular education teachers attend the IEP meeting?

No. The IEP team need not include more than one regular education teacher of the child. If the participation of more than one regular education teacher is considered by the agency or the parents to be beneficial to the child's success in school (e.g., in terms of enhancing the child's participation in the general curriculum), it would be appropriate for them to attend the meeting.

25. For a child whose primary disability is a speech impairment, may a public agency meet its responsibility under Sec. 300.344(a)(3) to ensure that the IEP team includes "at least one special education teacher, or, if appropriate, at least one special education provider of the child" by including a speech-language pathologist in the IEP team?

Yes, if speech is considered special education under State standards. As with other children with disabilities, the IEP team must also include at least one of the child's regular education teachers if the child is, or may be, participating in the regular education environment.

26. Do public agencies and parents have the option of bringing any individual of their choice to a student's IEP meeting? Would it be permissible for other individuals to attend IEP meetings at the discretion of the parents or the agency?

The IEP team may, at the discretion of the parent or the agency, include "other individuals who have knowledge or special expertise regarding the child * * * " (Sec. 300.344(a)(6), italics added). This is a change from prior law, which had provided, without qualification, that parents or agencies could bring other individuals to IEP meetings at the discretion of the parents or agency. However, the legislative history of Public Law 94-142 made it clear that attendance at IEP meetings should be limited to those who have an intense interest in the child. (121 Cong. Rec. S10974 (June 18, 1975) (remarks of Sen. Randolph).)

Part B does not provide for the participation of individuals such as representatives of teacher organizations or attorneys at IEP meetings. For example, since a representative of a teacher organization would be concerned with the interests of the teacher rather than the interests of the child, and generally would not possess knowledge or expertise regarding the child, it generally would be inappropriate for such an official to attend an IEP meeting. While either the parent or public agency may consider inviting their attorneys to an IEP meeting, parents and public agencies need to ensure that their attorneys possess knowledge and expertise regarding the child to warrant their participation. However, the participation of attorneys at IEP meetings should be discouraged if their participation would have the potential for creating an adversarial atmosphere which would not necessarily be in the best interests of the child. Further, as provided in Section 615(i)(3)(D)(ii) of the Act, "Attorneys" fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation * * * conducted prior to the [request for a due process hearing]."

27. Must related services personnel attend IEP meetings?

Although Part B does not expressly require that the IEP team include related services personnel as part of the IEP team (Sec. 300.344(a)), it is appropriate for those persons to be included if a particular related service is to be discussed as part of the IEP meeting. Section 300.344(a)(6) provides that the IEP team also includes "at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate * * *." (Italics added.)

Further, Sec. 300.344(a)(3) requires that the IEP team for each child with a disability include "at least one special education teacher, or, if appropriate, at least one special education provider of the child * * *" This requirement can be met by the participation of either (1) a special education teacher of the child, or (2) another special education provider such as a speech pathologist, physical or occupational therapist, etc., if the related service consists of specially designed instruction and is considered special education under the applicable State standard.

If a child with a disability has an identified need for related services, it would be appropriate for the related services personnel to attend the meeting or otherwise be involved in developing the IEP. As explained in the House Report on the IDEA Amendments of 1997, "Related services personnel should be included on the team when a particular related service will be discussed at the request of the child's parents or the school." (House Report 105-95, p. 103 (1997).) For example, if the child's evaluation indicates the need for a specific related service (e.g., physical therapy, occupational therapy, special transportation services, school social work services, school health services, or counseling), the agency should ensure that a qualified provider of that service either (1) attends the IEP meeting, or (2) provides a written recommendation concerning the nature, frequency, and amount of service to be provided to the child. This written recommendation could be a part of the evaluation report.

28. Must the public agency ensure that all services specified in a child's IEP are provided?

Yes. The public agency must ensure that all services set forth in the child's IEP are provided, consistent with the child's needs as identified in the IEP. It may provide each of those services ctly, by contracting with another public or private agency; or through other arrangements. In providing the services, the agency may use whatever State, local, Federal, and private sources of support are available for those purposes (see Sec. 300.301(a)), but the services must be at no cost to the parents, and the public agency remains responsible for ensuring that the IEP services are provided in a manner that appropriately meets the student's needs as specified in the IEP. The SEA and responsible public agency may not allow the failure of another agency to provide services described in the child's IEP to deny or delay the provision of FAPE to a child.

29. Is it permissible for an agency to have the IEP completed before the IEP meeting begins?

No. Agency staff may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but the agency must make it clear to the parents at the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents. Agencies that use this approach must ensure that there is a full discussion with the parents of the child's needs and the services to be provided to meet those needs before the child's IEP is finalized.

30. Must a public agency include transportation in a child's IEP as a related service?

A public agency must provide transportation as a related service if it is required to assist the disabled child to benefit from special education. (This includes transporting a preschool-aged child to the site at which the public agency provides special education and related services to the child, if that site is different from the site at which the child receives other preschool or daycare services.) In determining whether to include transportation in a child's IEP, the IEP team must consider how the child's disability affects the child's need for transportation, including determining whether the child's disability prevents the child from using the same transportation provided to nondisabled children, or from getting to school in the same manner as nondisabled children. The public agency must ensure that any transportation service included in a child's IEP as a related service is provided at public expense and at no cost to the parents, and that the child's IEP describes the transportation arrangement.

Even if a child's IEP team determines that the child does not require transportation as a related service, Section 504 of the Rehabilitation Act of 1973 requires that the child receive the same transportation provided to nondisabled children. If a public agency transports nondisabled children, it must transport disabled children under the same terms and conditions. However, if a child's IEP team determines that a student does not need transportation as a related service, and the public agency transports only those children whose IEPs specify transportation as a related service, and does not transport nondisabled children, the public agency would not be required to provide transportation to a disabled child.

31. Must a public agency provide related services that are required to assist a child with a disability to benefit from special education, whether or not those services are included in the list of related services in Sec. 300.16?

The Note following Sec. 300.16 clarifies that "[T]he list of related services is not exhaustive and may include other developmental, corrective, or supportive services * * *), if they are required to assist a child with a disability to benefit from special education." This could, depending upon the unique needs of a child, include such services as nutritional services or service coordination.

32. Must the IEP specify the amount of services or may it simply list the services to be provided?

The amount of services to be provided must be stated in the IEP, so that the level of the agency's commitment of resources will be clear to parents and other IEP team members. The amount of time to be committed to each of the various services to be provided must be (1) appropriate to the specific service, and (2) stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP.

CENTER LAKE AREA EDUCATION AGENCY

Individualized Education Program [IEP]

Date of Meeting: 1 / 17 / 98
(Month/Day/Year)

Meeting Type

☐ Initial
☐ Review
☐ Revision
☒ Reevaluation

Student Flannery Last (legal) Patrick First (no nicknames) M.I.

Birthdate: 5 / 23 / 84 (Month/Day/Year) Current Grade: 9 Soc. Sec. #: 505 - 99 - 3765

Resident District: Loveland Attending District: Loveland

☑ if: ☐ Tuitioned or ☐ Open Enrollment Attending Building: High School

☒ Parent
☐ Foster Parent
☐ Guardian
☐ Surrogate

Name: Colon / Kate Flannery Home Phone: 552-3571

Address: 962 Monarch Road
Loveland, IA 50632
Work Phone: 552-9657

Student Address: Phone:
(if different from above)

Date this IEP will be implemented: 1 / 18 / 98 Duration of this IEP: One Academic year

Annual IEP Review is due before: 1 / 18 / 99 Reevaluation is due before: 1 / 17 / 01

Parent Notification of IEP Meeting: Method: Phone and notice by: Myrna Fenster, SE Teacher

Describe attempts to involve parents (if not in attendance):

Parental Due Process Rights were reviewed by: Myrna Fenster, teacher and Basil Markham, Psychologist

Persons Present at Meeting* and Position or Relationship to Student

Colon Flannery	Parent	Patrick Flannery	Student
Kate Flannery	Parent	Basil Markham	School Psychologist
Myron Bailey	LEA Rep	Martha Graham	DVRS Counselor
Sarah Wilson, English	Reg Ed Tchr	Kay Thomas	SLP
Myrna Fenster	Sp Ed Tchr		

Additional, Outside Agency Sources of Written Input: Name/Agency & Date of Report

* **Signature or listing only indicates presence at meeting, not approval or acceptance of the IEP**

Designation:	Model/Level:	Weighting:	Roster:

Student and Family Vision

Patrick would like to participate in sports and drama while in high school. After high school he wants to work in the entertainment field, without additional post secondary training.

In developing the IEP, the team must consider: the strengths of the student, the concerns of the parents for enhancing the education of their child, and relevant results of the most recent evaluation or reevaluation. Additionally, the team must consider:

- the need for positive behavior interventions, strategies, and supports for any student whose behavior interferes with his or her learning or the learning of others
- communication needs, particularly if the student is deaf or hard of hearing
- Braille instruction needs of students with visual impairments
- needs related to English language proficiency
- the need for assistive technology services or devices
- health needs

Present Levels of Educational Performance: This statement must include a description of:

- the effect of the disability on the student's involvement and progress in the general curriculum , or
- the effect of the disability on the participation of a preschool child in appropriate activities, and
- transition needs (required to be addressed at age 14 and older).

Patrick is currently a freshman at Balmora High School receiving content instruction through the general education curriculum in science, math, health, P.E., Art and English at the 9-12 benchmark level. Special education instructional services are provided in social studies, support for general education classes, and accommodations for taking tests. Patrick is working on the Level III (grades 4-5) benchmarks in the general education standards for reading (demonstrates competence in reading) and writing (demonstrates competence in writing) and on the Level IV (grades 6-8) in listening (demonstrates competence in speaking, listening, and viewing). Patrick's performance in the general education classes, based on 1st semester grades has been average or better (given accommodations and support): English 9-B, Basic Algebra-A, Health/PE-Pass, Life Science-C, Choir-A- and Art C+. Government has been within the special education program, with a B. Patrick's reading and writing difficulties result in missing assignments, late projects, and difficulty with note taking. He will ask for help, primarily with reading the assignment, at school. He accurately records what assignment is due when, but chooses not to work on assignments at home about 50% of the time.

On academic testing, Patrick demonstrated difficulty in reading decoding skills and putting words together after breaking them into syllables. He scored at the 3.8 grade level. Passage comprehension is significantly better, he understands about 4 grade levels above his decoding skill level (7.7 grade level) because he uses context clues to decode and understands unfamiliar structures. Patrick uses capitals and ending punctuation correctly.

Math skills show strengths in applied mathematical, understanding and applying basic operations in short story problems (9.4 grade, consistent with his grades in basic algebra).

Patrick participates in extra-curricular activities including choir, football and swimming. He would like to participate in drama and school plays. He reports he has not tried-out for the plays because his

reading problems cause extreme difficulty with sight reading. He performs frequently with a blue-grass band.

Transition Needs:

Instruction: Patrick needs to improve reading and math skills. He may need oral testing for his Driver's License Exam, and additional tutoring while studying for the exam and the class.

Employment and Post School Adult Living Goals: Patrick would like to move to Florida and be an entertainer at Disney World. He will need to investigate the specific requirements of this career and look at related careers.

Related Services: Patrick needs to consider the use of talking books to keep up with reading demands in the general education classes. He needs the services of a proof reader for long reports.

Community Experiences: Patrick is interested in a summer job. He needs to contact JTPA and the local Workforce Development office. He will eventually need to contact Vocational Rehabilitation to help with career planning.

Patrick is working on daily living skills at home and does not need services in this area. He has skills for his career goal and does not need a functional vocational evaluation at this time.

Patrick was diagnosed as having vocal nodules by Dr. Evans, an Ear, Nose, and Throat Specialist. Dr. Evans recommended Patrick should receive therapy regarding appropriate use of his voice to post-pone possible surgical removal of the vocal nodules. Patrick has been imitating various voice personalities and cartoon characters with his interest in being an entertainer. He needs to work on limiting the amount and type of vocal abusive practices. Patrick's voice difficulty limits his participation in his speech and drama class; he cannot participate in giving speeches or acting in the class drama play.

Name: P. Flannery Date: 1/17/98

Annual Goal and Progress Indicators I-SEE Goal Code:

Baseline (What is the student doing now?): Patrick is able to verbalize 2 career/occupational choices, but not the training or skills required for these occupations

Goal: include **conditions** (when and how the student will perform); **behavior** (what the student will do); and **criterion** (acceptable level of performance)

In 16 weeks, given 2 career interest areas or occupation, Patrick will develop a course plan and activities list through two years of PS training to develop the necessary occupational skills

Evaluation procedures (how progress will be measured): Weekly review of job log and portfolio review

Position(s) responsible for services: Counselor and Special Education Teacher

Major milestones/Short term objectives	Comments/Progress Notes/Dates Achieved
1. Patrick will complete a career search using Choices career software to identify needed training/classes for his career choices. 2. Patrick will complete an interest survey to determine if his interests match his career choices. 3. Patrick will develop a 5 year plan to cover 10th grade through 2 years of post high training in his chosen career fields. 4. Patrick will identify extra curricular activities which will support his career choices.	

Update and provide to parents with report cards

1 = This goal has been met.
2 = Progress has been made towards the goal. It appears that he goal will be met by the time the IEP is reviewed.
3 = Progress has been made towards the goal but the goal may not be met by the time the IEP is reviewed.
4 = Progress is not sufficient to meet this goal by the time the IEP is reviewed. Instructional strategies will be changed.
5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5

At the end of the IEP goal period, answer the following questions

Progress: Is the child making progress expected by the IEP team? (√ one)
- ☐ Goal met
- ☐ Goal not met; but performance improved
- ☐ No change or poorer performance
- ☐ Insufficient data for decision making

Independence: Is the child more independent in the goal area? (√ one)
- ☐ Greater independence
- ☐ Unchanged independence
- ☐ Less independence
- ☐ Insufficient data for decision making

Comparison to peers or standard: How does the child's performance compare with general education peers or standards? (√ one)
- ☐ Comparison to age or grade level peers or standards not appropriate
- ☐ Less discrepancy from peers or standard
- ☐ Same discrepancy from peers or standard
- ☐ More discrepancy from peers or standard
- ☐ Insufficient data for decision making

Goal Status: Will work in the goal be discontinued or continued? (√ one)

Discontinue goal area	Continue goal area
☐ Success, no further special education needs in goal area ☐ Goal area is not a priority for the next year ☐ Limited progress, plateau	☐ More advanced work in goal area ☐ Continue as written

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Name: P. Flannery Date: 1/17/98 Page 5 of 14

Annual Goal and Progress Indicators I-SEE Goal Code:

Baseline (What is the student doing now?): Currently does not take notes

Goal: include **conditions** (when and how the student will perform); **behavior** (what the student will do); and **criterion** (acceptable level of performance)

In 36 weeks Patrick will write a 2 paragraph synopsis to include comparisons and contrast with his own experiences or the current reading selection with a thesis statement, evidence from the film, personal experience and/or reading selection and a conclusion at Level 3 of the district writing rubric.

Evaluation procedures (how progress will be measured): Every two weeks Patrick will view film/video to a social studies topic and write a paper

Position(s) responsible for services: Special Education Teacher

Major milestones/Short term objectives	Comments/Progress Notes/Dates Achieved
1. Patrick will write down the key points from a film/video presentation using a pre-prepared outline with 95% accuracy.	
2. Patrick will write down the key points from a film/video presentation based on class discussion before the viewing with 90% accuracy.	
3. Patrick will write a one paragraph summary of the key ideas to include main topic, supporting statement, conclusion sentence.	

Update and provide to parents with report cards

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3 = Progress has been made towards the goal but the goal may not be met by the time the IEP is reviewed.
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5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

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__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5

At the end of the IEP goal period, answer the following questions

Progress: Is the child making progress expected by the IEP team? (√ one)
☐ Goal met
☐ Goal not met; but performance improved
☐ No change or poorer performance
☐ Insufficient data for decision making

Independence: Is the child more independent in the goal area? (√ one)
☐ Greater independence
☐ Unchanged independence
☐ Less independence
☐ Insufficient data for decision making

Comparison to peers or standard: How does the child's performance compare with general education peers or standards? (√ one)
☐ Comparison to age or grade level peers or standards not appropriate
☐ Less discrepancy from peers or standard
☐ Same discrepancy from peers or standard
☐ More discrepancy from peers or standard
☐ Insufficient data for decision making

Goal Status: Will work in the goal be discontinued or continued? (√ one)

Discontinue goal area
☐ Success, no further special education needs in goal area
☐ Goal area is not a priority for the next year
☐ Limited progress, plateau

Continue goal area
☐ More advanced work in goal area
☐ Continue as written

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Name: P. Flannery Date: 1/17/98 Page 6 of 14

Annual Goal and Progress Indicators I-SEE Goal Code:

Baseline (What is the student doing now?): 20 word/phrase errors of pitch, loudness and quality during speech

Goal: include **conditions** (when and how the student will perform); **behavior** (what the student will do); and **criterion** (acceptable level of performance)

Patrick will increase appropriate voice characteristics(pitch, loudness, and quality) when presenting a speech in drama class with no more than 2 word/phrase errors of pitch loudness and quality.

Evaluation procedures (how progress will be measured): Weekly speech in drama class using rubric

Position(s) responsible for services: Classroom teacher and speech and language pathologist

Major milestones/Short term objectives	**Comments/Progress Notes/Dates Achieved**
15 word/phrase errors	
10 word/phrase errors	
5 word/phrase errors	

Update and provide to parents with report cards

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__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5

At the end of the IEP goal period, answer the following questions

Progress: Is the child making progress expected by the IEP team? (√ one)
- ☐ Goal met
- ☐ Goal not met; but performance improved
- ☐ No change or poorer performance
- ☐ Insufficient data for decision making

Independence: Is the child more independent in the goal area? (√ one)
- ☐ Greater independence
- ☐ Unchanged independence
- ☐ Less independence
- ☐ Insufficient data for decision making

Comparison to peers or standard: How does the child's performance compare with general education peers or standards? (√ one)
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- ☐ Insufficient data for decision making

Goal Status: Will work in the goal be discontinued or continued? (√ one)

Discontinue goal area
- ☐ Success, no further special education needs in goal area
- ☐ Goal area is not a priority for the next year
- ☐ Limited progress, plateau

Continue goal area
- ☐ More advanced work in goal area
- ☐ Continue as written

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Name: P. Flannery Date: 1/17/98 Page 7 of 14

Annual Goal and Progress Indicators I-SEE Goal Code:

Baseline (What is the student doing now?): Patrick currently writes simple and compound sentences with 60% on structure and 30% accuracy for spelling, capitalization and punctuations.

Goal: include **conditions** (when and how the student will perform); **behavior** (what the student will do); and **criterion** (acceptable level of performance)

In 36 weeks when given a classroom writing assignment Patrick will write simple and compound sentences, with 100 structure, 90% correct mechanics, capitalization, punctuation, and spelling.

Evaluation procedures (how progress will be measured): Weekly evaluation of classroom writing assignments

Position(s) responsible for services: English teacher and special class teacher

Major milestones/Short term objectives	Comments/Progress Notes/Dates Achieved
Write simple sentences with correct structure, capitalization, mechanics, punctuation	
Write compound sentences with correct structure, capitalization, mechanics, punctuation	
Combine simple and compound sentences into a paragraph	

At the end of the IEP goal period, answer the following questions

Progress: Is the child making progress expected by the IEP team? (√ one) ☐ Goal met ☐ Goal not met; but performance improved ☐ No change or poorer performance ☐ Insufficient data for decision making	**Independence:** Is the child more independent in the goal area? (√ one) ☐ Greater independence ☐ Unchanged independence ☐ Less independence ☐ Insufficient data for decision making
Comparison to peers or standard: How does the child's performance compare with general education peers or standards? (√ one) ☐ Comparison to age or grade level peers or standards not appropriate ☐ Less discrepancy from peers or standard ☐ Same discrepancy from peers or standard ☐ More discrepancy from peers or standard ☐ Insufficient data for decision making	**Goal Status:** Will work in the goal be discontinued or continued? (√ one) **Discontinue goal area** ☐ Success, no further special education needs in goal area ☐ Goal area is not a priority for the next year ☐ Limited progress, plateau **Continue goal area** ☐ More advanced work in goal area ☐ Continue as written

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Name: P. Flannery Date: 1/17/98 Page 8 of 14

Annual Goal and Progress Indicators I-SEE Goal Code:

Baseline (What is the student doing now?): 9th grade passage 80% decoding and 60% correct paraphrases

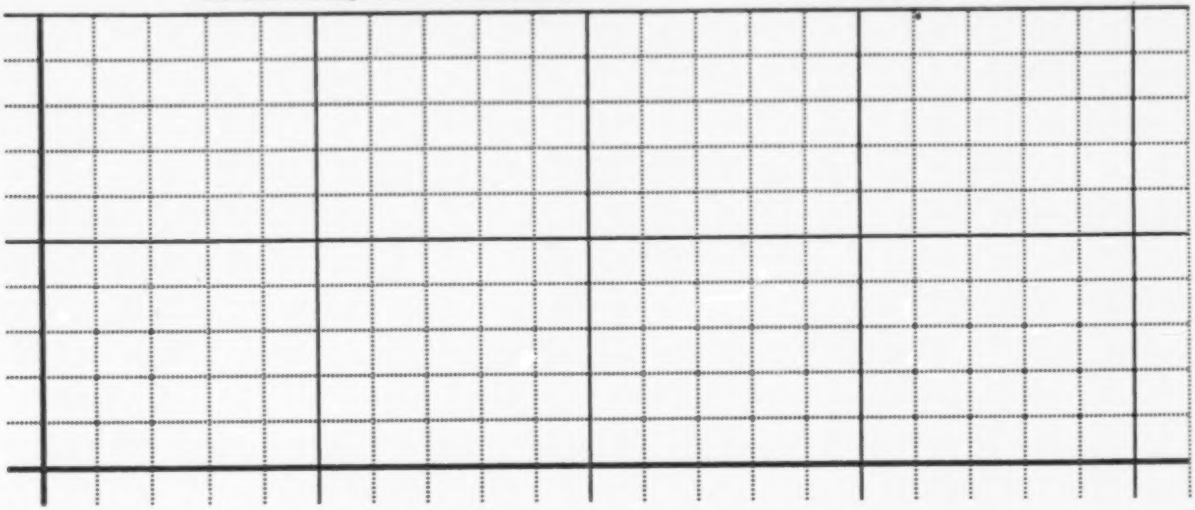
Goal: include **conditions** (when and how the student will perform); **behavior** (what the student will do); and **criterion** (acceptable level of performance)

In 36 weeks Patrick will read a grade level text with 95% accuracy on decoding and 80% correct paraphrases.

Evaluation procedures (how progress will be measured): Weekly evaluation probes reading a 400 word passage from grade level texts, administered by the special education teacher

Position(s) responsible for services: Special Education teacher

Major milestones:
1: 80% decoding/65% correct paraphrases
2: 85% decoding/70% correct paraphrases
3: 90% decoding/75% correct paraphrases
4: 95% decoding/80% correct paraphrases



Update and provide to parents with report cards

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3 = Progress has been made towards the goal but the goal may not be met by the time the IEP is reviewed.
4 = Progress is not sufficient to meet this goal by the time the IEP is reviewed. Instructional strategies will be changed.
5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

10/__/__98	1	2	3	4	5	6/__/__99	1	2	3	4	5	__/__/__	1	2	3	4	5
1/__/__99	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5
4/__/__99	1	2	3	4	5	__/__/__	1	2	3	4	5	__/__/__	1	2	3	4	5

At the end of the IEP goal period, answer the following questions

Progress: Is the child making progress expected by the IEP team? (√ one)
- ☐ Goal met
- ☐ Goal not met; but performance improved
- ☐ No change or poorer performance
- ☐ Insufficient data for decision making

Independence: Is the child more independent in the goal area? (√ one)
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Comparison to peers or standard: How does the child's performance compare with general education peers or standards? (√ one)
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Goal Status: Will work in the goal be discontinued or continued? (√ one)

Discontinue goal area
- ☐ Success, no further special education needs in goal area
- ☐ Goal area is not a priority for the next year
- ☐ Limited progress, plateau

Continue goal area
- ☐ More advanced work in goal area
- ☐ Continue as written

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Name: P. Flannery Date: 1/17/98 Page 9 of 14

Transition Planning: Age 14 and older address course of study; age 16 and older, address all transition items. Consider the student's post-high school outcomes and the goals of this IEP, based on the needs, interests, and preferences of the student.

Focus of student's courses of study (e.g., vocational education program, advanced placement classes, etc.)

Patrick will take the general core curriculum with elective classes in the Arts and Humanities career pathway to include art and drama classes.

Transition services & activities	Agency/position responsible
Will instruction be provided to this student? [x] Yes (explain) [ ] No (provide justification) **Special education services will be provided to develop strategies in reading & writing**	Loveland High School
Will support or related services be provided to this student? [x] Yes (explain) [ ] No (provide justification) **Assistance in accessing talking books through various sources.**	Family JTPA Workforce Development
Will community experiences be provided to this student? [ ] Yes (explain) [x] No (provide justification) **Skills are progressing satisfactorily.** **Patrick will look for summer work opportunities.**	
Will activities and services to develop employment and other post-high school adult living objectives be provided? [x] Yes (explain) [ ] No (provide justification) **Patrick will identify the specific requirements of his career interest and take drama classes for more experience.**	Loveland High School
[x] Yes [ ] No Will activities and services to develop daily living skills be provided?	Loveland High School
[ ] Yes [x] No Is a functional vocational evaluation required? **Skills & experiences are currently appropriate for vocational goals.**	

Vocational Education: [x] Regular [ ] Modified — describe below [ ] Specially designed — requires goal(s)

Patrick will need accommodations for reading any printed material and written exams.

Anticipated graduation date (must be provided at least 18 months prior to potential graduation: 6/3/01

Graduation criteria: The minimum ITED level in reading, 9.06E will be waived for Patrick's grade requirement. He will take the test and the required core classes with accommodations.

Notice of transfer of rights provided: 5/23/00 **Transfer of rights will occur at age 18:** (5/23/01)

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Linkages to community service providers (consider for all students)

Linkage with:	Contacted by:	Timeline:	Outcome:
Vocational Rehab	Special Class teacher and Patrick	March	Development of career plans
JTPA	Patrick and Counselor	January	Completion of summer youth application
Workforce Development	Patrick and Family	February	Completion of Workforce applications and job search techniques

Appropriate education in the least restrictive environment. Consider accommodations, modifications, adaptations, assistive technology, and supplementary aids and services. What does the student require to be successful and to be educated to the maximum extent appropriate with nondisabled peers? What supports are needed by teachers or other personnel?

Patrick will have a reader for general education class tests, usually taken in the resource room with the special education teacher. When participating in the performing arts program, the drama/music teachers will provide the special education teacher with the audition materials so he may pre-read the materials. Patrick will obtain and use a calculator in math for daily work and exams. He will have the opportunity to use talking books upon his request for any of his classes, the counselor will assist with registration for this service. He will be provided assistance in obtaining a full set of notes in all classes through peer notetakers or the teacher providing a copy of their instructional notes. Patrick and the classroom teacher will receive support from the special education teacher for accommodations for testing and proofreading written assignments. They will receive assistance in monitoring assignment completion from the special education teacher and Patrick's parents.

SPED Services

Instructional Services:

Learning Strategies

Social Studies

LRE% is 43% as he is pulled out three class periods.

[ ] Yes [x] No Are **assistive technology** services or devices required? If yes, describe in appropriate section(s).

[ ] Yes [x] No Does this student require a **functional behavioral assessment and a behavioral intervention plan**? If yes, include all necessary information in this IEP.

Will this student participate in all district-wide assessments?

[ ] Yes [x] Yes, with modifications (complete documentation form) [ ] No (alternate assessment, complete documentation form)

Physical Education: [ ] Regular [ ] Modified — describe below [ ] Specially designed — requires goal(s)

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Name: P. Flannery Date: 1/17/98 Page 11 of 14

Description of Special Education Services: instructional, support and related services

Service	**Time & Frequency**	**Setting for Special Education Services**		
Learning Strategies	100 minute daily	[ ] General ed.	[x] Special ed.	[ ]
Social Studies	50 minutes daily	[ ] General ed.	[x] Special ed.	[ ]
Speech	80 minutes monthly	[x] General ed.	[x] Special ed.	[✓]
		[ ] General ed.	[ ] Special ed.	[ ]
		[ ] General ed.	[ ] Special ed.	[ ]
		[ ] General ed.	[ ] Special ed.	[ ]
		[ ] General ed.	[ ] Special ed.	[ ]
		[ ] General ed.	[ ] Special ed.	[ ]
		[ ] General ed.	[ ] Special ed.	[ ]

Description of special education service delivery: Patrick will receive direct instruction in social studies, following an abbreviated general curriculum at a slower pace. He will receive help with reading comprehension and proof reading of reports for general classes. He will also develop time management skills by planning projects with the aid of his teacher. He will learn and practice reading and writing strategies to use in all classes. Patrick will receive speech and language services in the speech room with follow up in the classroom.

[ ] Yes [x] No Are **specialized transportation services** required? If yes, describe.

Setting consideration: Consider any potential harmful effects of the selected setting(s) on the student or on the quality of services received.

Options considered for the setting of special education services: general classroom, resource room

Removal from general education: 33 % If greater than 0%, answer the following questions:

1. How would providing special education services and activities in the general education environment impact this student?

Needs direct instruction on learning strategies and a slower pace than possible in general education. He would not progress because of the limited time to teach learning strategies

2. How would providing special education services and activities in the general education environment impact other students?

Pace would be to slow and time taken from instruction

Extended School Year Services

[ ] Yes [x] No Are extended school year services (ESYS) required? If yes, the IEP must describe ESYS services.

Progress reports

Parents: You will be informed of your child's IEP progress 4 times per year. You will receive:

[x] An IEP report with report cards and progress reports [x] Updated copies of the IEP goal pages

[ ]

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Name: P. Flannery Date: 1/17/98 Page 12 of 14

?? Community Schools Individualized Education Plan Report Card							
1st report	/ /	2nd report	/ /	3rd report	/ /	4th report	/ /
5th report	/ /	6th report	/ /	7th report	/ /	8th report	/ /

Goal Area:

1st report		2nd report		3rd report		4th report	
5th report		6th report		7th report		8th report	

Comments:

Goal Area:

1st report		2nd report		3rd report		4th report	
5th report		6th report		7th report		8th report	

Comments:

Goal Area:

1st report		2nd report		3rd report		4th report	
5th report		6th report		7th report		8th report	

Comments:

Goal Area:

1st report		2nd report		3rd report		4th report	
5th report		6th report		7th report		8th report	

Comments:

Progress Codes	1 = This goal has been met. 2 = Progress has been made towards the goal. It appears that he goal will be met by the time the IEP is reviewed. 3 = Progress has been made towards the goal but the goal may not be me by the time the IEP is reviewed. 4 = Progress is not sufficient to meet this goal by the time the IEP is reviewed. Instructional strategies will be changed. 5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

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Name: P. Flannery Date: 1/17/98 Page 13 of 14

?? Community Schools Individualized Education Plan Report Card

1st report __/__/__ 2nd report __/__/__ 3rd report __/__/__ 4th report __/__/__

Goal Area:

1st report ______ 2nd report ______ 3rd report ______ 4th report ______

Comments:

Goal Area:

1st report ______ 2nd report ______ 3rd report ______ 4th report ______

Comments:

Goal Area:

1st report ______ 2nd report ______ 3rd report ______ 4th report ______

Comments:

Goal Area:

1st report ______ 2nd report ______ 3rd report ______ 4th report ______

Comments:

Progress Codes	1 = This goal has been met. 2 = Progress has been made towards the goal. It appears that he goal will be met by the time the IEP is reviewed. 3 = Progress has been made towards the goal but the goal may not be me by the time the IEP is reviewed. 4 = Progress is not sufficient to meet this goal by the time the IEP is reviewed. Instructional strategies will be changed. 5 = Your child did not work on this goal during this reporting period (provide an explanation to the parents).

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Documentation for Determining Participation in District Wide Assessment

The Individuals with Disabilities Education Act presupposes that all special education students will fully participate in all district wide assessments in the same manner as their non-disabled peers unless a staffing team determines that: (1) such participation is not appropriate without reasonable accommodations or (2) such assessment is not appropriate and identifies an alternate form of assessment.

I. Determine which of the following statements best describes the student's *curriculum* and then determine the appropriate assessment approach.

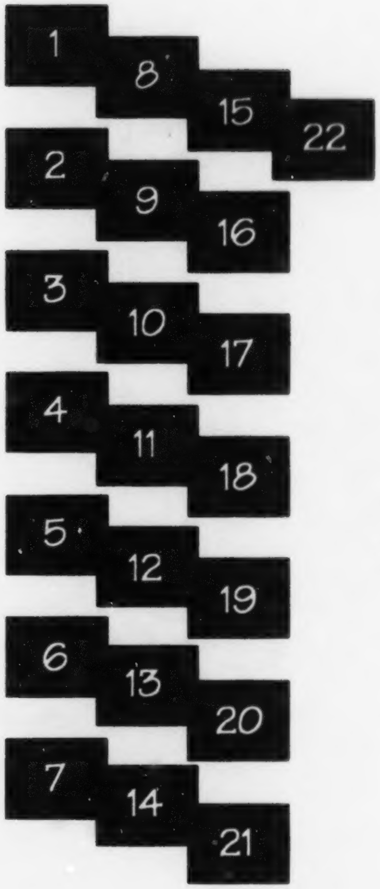
		District Wide Assessment		
	General Description of **Curriculum** Presented	No Accom. Needed	Accom. Needed	Alternate Assessment
A.	Student participates with no or only slight modification in general academic **curriculum**.			
B.	Student participates with significant modification to the general academic **curriculum**.			
C.	Student does not participate in general academic **curriculum**. Student receives an alternative **curriculum**.			

II. Accommodations: List accommodations necessary for student to participate in district wide assessment.

III. Alternate Assessment

1. Describe why district wide assessment is not appropriate.

2. Describe how student will be assessed.



1 Guiding Principles Behind the IEP
2 The IEP Meeting
3 The IEP Team
4 Student & Family Vision
5 Transition
6 Behavioral Concerns
7 Discipline Procedures
8 Assistive Technology
9 Limited English Proficiency
10 Deaf or Hard of Hearing
11 Blind or Visually Impaired
12 Health Plan and Emergency Health Plan
13 Least Restrictive Environment
14 Present Level of Educational Performance
15 Measurable Annual Goals, Benchmarks, and Short-term Objectives
16 Monitoring Strategy
17 Instructional, Support, and Related Services
18 Participation in District-Wide Assessment
19 Implementation of the IEP
20 Written Prior Notice
21 Decision Making, Review, & Revision of the IEP
22 Extended School Year Services

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